


LEGISLATIVE SERVICES OFFICE

LEGISLATION DRAFTING MANUAL

Concise Version

Research & Legislation, LSO

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A guide for bill drafters associated with Idaho state agencies and departments

TABLE OF CONTENTS

PREFACE	7
GENERAL	7
SOURCES OF LEGISLATION.....	8
Idaho Code	8
Bills of Past Sessions	8
Bills of the Current Session	8
Existing Idaho Statutes	8
Laws of Other States	8
Uniform and Model Acts.....	9
LEGAL REQUIREMENTS FOR BILLS.....	9
Definition of a Bill	9
Enacting Clause	9
Plain Words.....	9
Unity of Subject and Title	9
The One Subject Rule	9
Bill Titles	10
Amending the Idaho Constitution	10
Amending Statutes in a Bill.....	11
Play Out the Statute in Full.....	11
Striking and Underscoring	11
Adding a Code Section	12
Repealing a Code Section	12
Effective Dates	12
Effective Date Clause -- Not Required for July 1 Effective Date.....	13
Effective Date Clause -- Required For Effective Dates After July 1	13
Emergency Clause -- Required for Effective Dates Before July 1 — May include Retroactive Effective Date.....	13
Tax Measures -- January 1 Effective Date.....	13
Sunset Clause -- Required to Terminate a Statute on a Date Certain.....	13
Severability Clause	14
Declaration of Legislative Intent or Purpose	14

Statutory Terms Defined	14
TECHNICAL ASPECTS OF BILL DRAFTING.....	16
BILL DRAFTING CHECKLISTS	17
Checklist for Bill Drafting – Structure	17
Checklist for Bill Drafting -- Content	18
STATEMENTS OF PURPOSE AND FISCAL NOTES	19
Statements of Purpose.....	19
Fiscal Notes	20
Preparation Guidelines.....	20
Statement of Purpose / Fiscal Note Checklist	21
STYLE GUIDE.....	22
Bill Structure.....	22
Begin Logically	22
Catchlines — Short but Informative	22
Numbering and Format within a Statute	22
Section, Subdivision and Paragraph Length.....	23
Bill Language	23
Active Voice/Passive Voice	23
Conditions and Exceptions in Statutes	24
Intrusive Phrases and Clauses	24
Modifiers.....	25
Noun Strings	25
Overdrafting	25
Parallel Form	25
Person	26
Present Tense	26
Provisos.....	27
Referrals.....	27
Sentences within Sentences	27
Shall and May.....	28
Short Sentences.....	29
Technical Nuances	29
Word Choice	30

Words in Depth.....	32
Recommended Reference Resources.....	33
APPENDICES	34
Bill Introduction Deadlines	34
Personal Bill Deadlines	34
Committee Deadlines	34
Glossary	34
Act	34
Amendment.....	34
Bill.....	35
Catchline	35
Effective Date	35
Enacting Clause	35
Engrossed Bill.....	35
Idaho Code	35
Memorial.....	35
Mini Data	35
Proclamation.....	36
Resolutions	36
RS (Routing Slip)	36
Session Laws.....	36
Severability Clause	37
SOP/FN (Statement of Purpose/Fiscal Note)	37
Title.....	37
WBS (Weekly Bill Status)	37
Legislative Process for Legislation	37
First Reading	37
Second Reading.....	38
Third Reading	38
Final Voting	38
Senate Action on House Bills.....	38
Committee of the Whole	38
Governor's Action.....	39

Legislature May Override Governor's Veto	39
List of Obsolete Words/Terms and Suggested Replacements	39
Writing Style Checklist.....	42
EXAMPLES.....	43
Bills.....	43
Example 1 - Amending a statute with emergency clause.....	43
Example 2 - Adding a statute with effective date clause	44
Example 3 – Repealing a Statute.....	45
Example 4 – Repealing, adding and amending statutes	46
Unique Effective Date Clauses	47
Example 5 – Multiple Effective Dates	47
Example 6 – Multiple Effective Dates	47
Example 7 – Multiple Effective Dates with Retroactive Effective Date	48
Example 8 – Effective Date with Contingencies	49
Example 9 – Effective Date with Contingencies	50
Example 10 – Emergency Clause with Retroactive Date	50
Example 11 – Sunset Clause	51
Example 12 – Sunset Clause with Emergency Clause.....	52
Example 13 – Sunset Clause with Emergency Clause.....	53
Example 14 – Effective Date with Application	54
Example 15 – Effective Date with Application	54
Simple Resolutions	55
Example 16 – Addition of a New Rule	55
Example 17 – Amending a Senate Rule	56
Concurrent Resolutions.....	57
Example 18 – Supporting the Efforts of the Governor	57
Example 19 – Recognizing “Go Red for Women Day”	58
Example 20 – Urging Amendment to the 10th Amendment of the U.S. Constitution	59
Example 21 – Rule Rejected	61
Joint Resolution.....	62
Example 22 – Proposing Amendment to the Idaho State Constitution	62
Memorials.....	64
Example 23 – Requesting Congressional Support.....	64

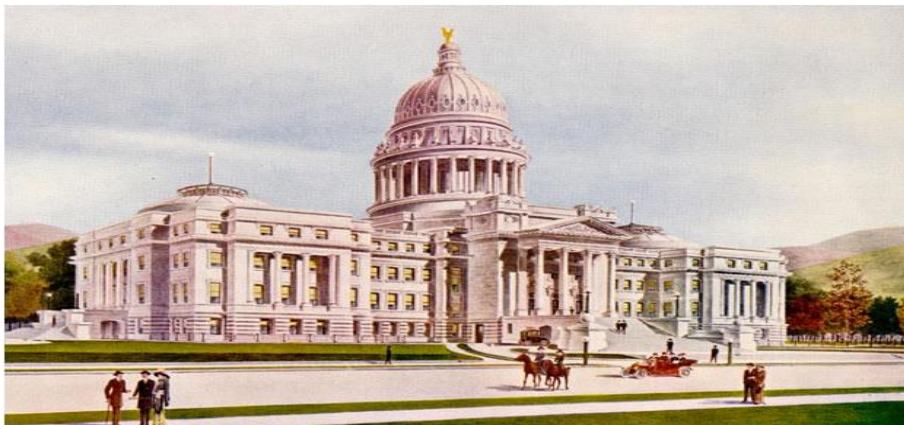
Example 24 – Supporting the President’s Economic Security Package	65
Proclamations	66
Example 25 – Commending the people of Ada County and the City of Garden City	66
Statements of Purpose and Fiscal Notes	67
Example 26 – Minimal Statement of Purpose with No Fiscal Impact	67
Example 27 – Statement of Purpose with Fiscal Impact	68
Example 28 – Statement of Purpose with Fiscal Impact	69

The Legislation Drafting Manual (Concise Version) is a publication of the Research and Legislation Branch, Legislative Services Office. If you have questions or comments regarding the manual, please contact co-editors Jackie Gunn (208) 334-4843 and Toni Hobbs (208) 334-4820.

PREFACE

Bills, resolutions and memorials for introduction in the Idaho Legislature are prepared by the Research and Legislation area of the Legislative Services Office. Legislation must have a legislator to sponsor it before we can begin processing. This manual has been prepared for those who prepare initial drafts of legislation in order to provide a uniformity of style and format. All legislation to be proposed in any session of the Idaho Legislature must be reviewed by a bill drafter and processed by the Research and Legislation area of the Legislative Services Office. The Research and Legislation Office offers assistance in research and bill drafting.

The Research and Legislation area of the Legislative Services Office is located in room W133, in the west wing of the Capitol Building. If you have further questions, please call 334-2475 or visit our office.



GENERAL

The determination of the objectives and contents of proposed legislation is the prerogative of the legislator. The drafter's function is to devise actual statutory language and put legislation in the proper form. It is important that the legislator provide as much background material and information as possible, since it is neither the drafter's right nor duty to supply the substance of a piece of legislation. A drafter should keep in mind:

- The object of the proposed legislation;
- What is provided in existing law with respect to the subject matter;
- Whether the proposed legislation will be in conflict with the provisions of the State or United States Constitution; and
- How existing state law might be affected by the proposed legislation.

SOURCES OF LEGISLATION

By carefully considering and using sources of assistance, your proposed draft will become an easier task in all facets of preparation.

IDAHO CODE

If you are amending an existing section of the Idaho Code, photocopy the code section and mark your changes with ink accordingly. The code sections are available at www.legislature.idaho.gov. If the changes are extensive, the Research and Legislation office can email you a Microsoft Word copy of the code section. *Please do not retype the code section.*

BILLS OF PAST SESSIONS

The Research and Legislation area of Legislative Services maintains an index of legislation prepared since 1971 and can supply you with a physical copy of any legislation prepared since that time.

BILLS OF THE CURRENT SESSION

As a session of the Legislature progresses, several variations of a particular subject surface. Check the current subject index of bills introduced or check with Research and Legislation for identical or similar pieces of legislation. The existing legislation can be marked with the changes and submitted.

EXISTING IDAHO STATUTES

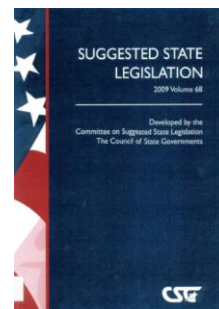
Quite often proposed legislation can be patterned after an existing Idaho law. For example, if you propose to license acupuncturists, obtain a copy of the code sections pertaining to the licensure of a profession (chiropractors?) that best fits the acupuncturists and change the references throughout from chiropractors to acupuncturists and indicate other necessary changes.

LAWS OF OTHER STATES

Legislation prepared or enacted in another state is quite often identical to what the drafter proposes in our state. Again, it would only be necessary to obtain a copy of the legislation and mark the changes necessary for conformance to Idaho law, bill form, and language. Many times we can secure a law from another state or a uniform or model act electronically and upload it to our system.

UNIFORM AND MODEL ACTS

A list is published annually and on file with the Librarian in the Legislative Library entitled "Suggested State Legislation." Also, this information is available online at www.csg.org/programs/policyprograms/SSL.aspx.



LEGAL REQUIREMENTS FOR BILLS

DEFINITION OF A BILL

Joint Rule 2 defines a bill as "[T]he draft of a law or amendment thereto submitted to the legislature for its approval or rejection." The rule also provides that bills may originate in either house and may be amended or rejected in the other. However, bills for raising revenue must originate in the House of Representatives. A bill originating in one house and amended in the other may not again be amended in the house of origin except pursuant to report of a conference committee.

ENACTING CLAUSE

(**Section 1, Article III, Idaho Constitution** and **Joint Rule 2.**)

Every bill must have an enacting clause or it is void.

"...The enacting clause of every bill shall be as follows: Be It Enacted by the Legislature of the State of Idaho:"

PLAIN WORDS

Section 17, Article III, of the Idaho Constitution requires that "Every act or joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms." This requirement is restated in **Joint Rule 2.**

Section 73-113, Idaho Code, requires that words and phrases are to be construed according to their context and approved usage. Technical words, phrases and terms of art will be construed according to their peculiar and appropriate definition.

UNITY OF SUBJECT AND TITLE

THE ONE SUBJECT RULE

(**Section 16, Article III, Idaho Constitution**)

This Article requires unity of subject and title in a bill. A bill can address only one subject. Every bill must have a title that reflects that subject. In other words, a bill increasing poaching fines cannot also provide a loan program for small businesses. However, bills often modify statutes across several code titles if they address the same

subject. “A golden thread” must run through all the amended statutes linking them together by subject.

BILL TITLES

(Section 67-514, Idaho Code)

Together with the requirements of **Section 16, Article III, of the Idaho Constitution**, this statute requires that each bill title: “...contain a specific phrase which expresses the subject matter of the bill. Such phrase may be the short title of the act, and shall be used in legislative journals to identify the bill upon introduction, along with other identification required by rules of the House of Representatives or Senate.”

The phrase discussed in this statute is made up of the first few descriptive words of the title, followed by a semicolon and the body of the title. The phrase begins with “relating to” and expresses the subject matter of the bill such as: “relating to the consumer protection act” or “relating to powers of the fish and game commission.”

Following the “relating to” phrase, each section of the bill must be mentioned in the body of the title with a phrase containing a very brief description of the change taking place in that section. Semicolons separate each section description; commas separate phrases within the section description.

AMENDING THE IDAHO CONSTITUTION

Use a joint resolution to amend the Idaho Constitution. **Section 1, Article XX, of the Idaho Constitution**, imposes the following requirements for amendments:

- Constitutional amendments may be proposed in either the House or Senate;
- They need a two-thirds vote of each house;
- After adoption they are submitted to the electors at the next general election;
- They must be published at least three times in every newspaper qualified to publish legal notices; and
- Publication must include the arguments for and against the proposed amendment.

Section 2, Article XX, of the Idaho Constitution requires that “If two (2) or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.”

Amendments to the Constitution should be written generally rather than specifically, as the subject matter allows. The goal is to give the Legislature adequate flexibility to address problems as they arise and change shape over the years. Make the fewest

changes necessary to accomplish the intended goal. Amending the Constitution is a relatively rare act. Any words replaced or inserted will exist in that form for generations.

Joint Rule 20 provides important requirements for the introduction of amendments to the Idaho Constitution. The rule says:

“A joint resolution proposing an amendment to the Constitution of the State of Idaho must be introduced on or before the thirty-sixth day of the Regular Legislative Session and must be transmitted from the house of origin to the other house prior to the fifty-fifth day of the Regular Legislative Session. The provisions of this rule may be waived by the presiding officer of either house upon presentment of a signed petition by the majority or minority leadership of the house. Requests for a proposed amendment to the Constitution of the State of Idaho shall be in the Office of Legislative Services for drafting at least seven calendar days prior to its intended introduction date.”

AMENDING STATUTES IN A BILL

PLAY OUT THE STATUTE IN FULL

(Section 18, Article III, of the Idaho Constitution)

Statutes can be amended only by playing them out in full in the bill and then indicating changes on the page. **Section 18, Article III** states that “No act shall be revised or amended by mere reference to its title, but the section as amended shall be set forth and published at full length.” Changes in statutes are indicated by underscores and strikethroughs. However, a statute repealed in its entirety is not played out in full, and an entirely new statute is not underscored (examples included later in this section).

STRIKING AND UNDERSCORING

(House Rule 28 and Senate Rule 18)

House Rule 28 requires that “all bills introduced which are intended to amend existing statutes, shall have the words, letters, figures, and punctuation which are added to such statute underscored; when the amendment is to strike out or repeal any part of an existing statute, the letter, figure, word, and punctuation shall be printed with a line through such letter, figure, word, and punctuation in the printed bill to indicate the part stricken or repealed. Provided, however, that when a bill includes, or consists of, the repeal of an entire section or chapter, it shall not be necessary to print such repealed section or chapter.”

Senate Rule 18 requires amendments to statutes to be indicated by underscores and deletions by strikethroughs as follows:

...Deletions Stricken. -- When any bill, resolution, or amendment thereto is intended to amend any part or parts of an existing statute, the Constitution, or a bill previously passed by both houses, any part or parts of such statute, Constitution, or previously passed bill intended to be stricken shall be contained in the bill, resolution, or amendment thereto and by appropriate mechanical mark, struck through.

New Matter Underscored. -- All matter contained in any bill, joint resolution, or amendment thereto which is intended to be inserted in any part or parts of any existing statute, the Constitution, or a bill previously passed by both houses, shall be underscored so that the new matter shall be easily discerned, unless the bill, joint resolution, or amendment thereto contains all new matter.

ADDING A CODE SECTION

When adding a new section to the Idaho Code, you must set it out in its entirety. But don't underscore it. Use the new section clause:

“That Chapter 1, Title 67, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-101, Idaho Code, and to read as follows:”

REPEALING A CODE SECTION

When repealing a section of the Idaho Code, do not set out the entire section and strike it. Use the repealer clause:

“That Section 67-205, Idaho Code, be, and the same is hereby repealed.”

EFFECTIVE DATES

The July 1 effective date is imposed by the Idaho Constitution and Statute:

- **Section 22, Article III, of the Idaho Constitution** states:

“No act shall take effect until sixty days from the end of the session at which the same shall have been passed, except in case of emergency, which emergency shall be declared in the preamble or in the body of the law.”

- **Section 67-510, Idaho Code**, adds July 1 to this provision:

“No act shall take effect until July 1 of the year of the regular session or sixty (60) days from the end of the session at which the same shall have been passed, whichever date occurs last, except in case of emergency, which emergency shall

be declared in the preamble or body of the law. Every joint resolution, unless a different time is prescribed therein, takes effect from its passage.”

- **Section 73-101, Idaho Code**, provides that no part of the Idaho Code is retroactive unless expressly declared to be.

EFFECTIVE DATE CLAUSE -- NOT REQUIRED FOR JULY 1 EFFECTIVE DATE

July 1 is the default effective date imposed by law for legislation. Therefore, no effective date clause is necessary unless a different effective date is intended.

EFFECTIVE DATE CLAUSE -- REQUIRED FOR EFFECTIVE DATES AFTER JULY 1

Effective dates after July 1 must be expressed in a properly worded effective date clause. For instance:

“This act shall be in full force and effect on and after January 1, 2013.”

EMERGENCY CLAUSE -- REQUIRED FOR EFFECTIVE DATES BEFORE JULY 1 — MAY INCLUDE RETROACTIVE EFFECTIVE DATE

An emergency clause is necessary any time the legislation is to be effective before July 1 of the year of passage. An emergency clause can specify a date or can state that the legislation is effective upon signature of the Governor. If the legislation is to be effective retroactively, a phrase expressing the retroactive effective date must be added to the emergency clause.

TAX MEASURES -- JANUARY 1 EFFECTIVE DATE

Many tax measures require a January 1 effective date (such as property tax measures because of the tax year), but this rule is not universal to all tax measures. Often, tax measures with a January 1 effective date are applied retroactively.

SUNSET CLAUSE -- REQUIRED TO TERMINATE A STATUTE ON A DATE CERTAIN

If a law is to stop being effective on a specific date or event in the future, add a sunset clause to terminate the law upon the date or event you specify in the clause. For instance:

“This act shall be null, void and of no force and effect on and after January 1, 2015.”

SPECIAL NOTE: Some statutes have unique versions that become effective or sunset on specific dates. If you intend to amend these statutes, you must either repeal the appropriate version of the statute from Idaho Session Law or include mirror language of the appropriate Idaho Session Law, revising its effective or sunset date.

SEVERABILITY CLAUSE

A severability clause (also called a separability clause or a savings clause) separates parts of a bill into distinct portions for purposes of legal interpretation. A severability clause provides that if any part of an act is declared invalid, the rest of the act remains in effect unless it cannot be made effective without the invalid part. Length doesn't increase meaning or effect. The following is the standard language for a severability clause:

"The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act."

DECLARATION OF LEGISLATIVE INTENT OR PURPOSE

A declaration of legislative intent or purpose is usually an introductory section in a bill that recites the intent or purpose of the chapter or act. These sections are often defended on the basis that they help first-time readers understand the chapter or act, give guidance to courts grappling with statutory construction issues and provide a public relations message.

The declarations are opposed on several grounds:

- The reader must study the substantive sections anyway to evaluate what the chapter or act is doing.
- The declarations are not complete -- qualifications and limitations in the law are provided in the substantive sections, not the declaration section. Therefore, courts must look to the substantive sections of the law rather than the declaration section.
- If a public relations message is wanted, the declaration section can be stricken as unnecessary when the bill moves close to final passage.

STATUTORY TERMS DEFINED

(Section 73-114, Idaho Code)

Unless otherwise defined for purposes of a specific statute:

- Words used in these compiled laws in the present tense, include the future as well as the present;



- Words used in the masculine gender, include the feminine and neuter;
- The singular number includes the plural and the plural the singular;
- The word “person” includes a corporation as well as a natural person;
- Writing includes printing;
- Oath includes affirmation or declaration, and every mode of oral statement, under oath or affirmation, is embraced by the term “testify,” and every written one in the term “depose”;
- Signature or subscription includes mark, when the person cannot write, his name being written near it, and witnessed by a person who writes his own name as a witness.

The following words have, in the compiled laws, the signification attached to them in this section, unless otherwise apparent from the context:

- **“Intellectual disability”** means significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two (2) of the following skill areas: communication, self-care, home living, social or interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health and safety. The onset of significantly subaverage general intelligence functioning and significant limitations in adaptive functioning must occur before age eighteen (18) years.
- **“Month”** means a calendar month, unless otherwise expressed.
- **“Personal property”** includes money, goods, chattels, things in action, evidences of debt and general intangibles as defined in the uniform commercial code -- secured transactions.
- **“Property”** includes both real and personal property.
- **“Real property”** is coextensive with lands, tenements and hereditaments, possessory rights and claims.
- **“Registered mail”** includes certified mail.
- **“State,”** when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words **“United States”** may include the District and territories.
- **“Will”** includes codicils.
- **“Writ”** signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word “process,” a writ or summons issued in the course of judicial proceedings.

TECHNICAL ASPECTS OF BILL DRAFTING



We include below technical aspects of drafting that are often overlooked. These errors must be corrected before legislation is delivered to a legislator. Please help us ensure timely delivery of your work by proofreading with an eye on these points:

Strike first, underscore second (See Examples 1, 4 and 22 beginning on page 43).

Save as many words that already exist in code as possible. But, if making changes within a word, in most cases strike the entire word to be deleted and then underscore the new word. Only strike and underscore within a word if striking or adding a plural to the end of a word. Note the exception to this rule on page 62, Example 22, Section 1, line 28.

Arrange the code sections being amended in numerical order. The only exception to this rule is if the context of the bill requires the sections to be in a different order.

When repealing an Idaho Code section, do not set out the entire section and strike it. Use the repealer clause:

“That Section 67-223, Idaho Code, be, and the same is hereby repealed.”

When adding a new section to the Idaho Code, you do need to set it out in its entirety but it does not need to be underscored. The new section clause is:

“That Chapter 1, Title 67, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-101, Idaho Code, and to read as follows:”.

- When adding new sections, please number subsections consistently and follow the standard format. (1) (a) (i) 1. (A) a. A.
- **Alphabetize** all definitions.

When amending a code section, set out the entire code section. Please do not retype.

After your draft is uploaded to our computer system, the Research & Legislation proofers read the entire bill. At this time technical corrections are made. Misspelled words, incorrect punctuation, and references to regulations in existing law are corrected.

When these corrections are made in a section of a bill, the notation is also made in the title. You will see “and to make technical corrections” added to the end of the description of what that code section is amending in the title. If you are uncertain as to why we have made that correction, please contact the editors at the Research and Legislation office.

Please avoid special Microsoft Word or WordPerfect coding, such as **BOLDING** or **multiple fonts**. These codes do not translate well to our computer system. Tabs, center codes and hard returns are the only coding functions used in draft legislation.

BILL DRAFTING CHECKLISTS

CHECKLIST FOR BILL DRAFTING – STRUCTURE

- ✓ Title
 - All code sections in ascending order
 - All code sections referenced in title
 - Effective date clause
 - Emergency clause
- ✓ Enacting Clause (proper wording; proper location)
- ✓ Latest Effective Version of Law
- ✓ Correct Version of Section
- ✓ Code Placement
- ✓ Arrangement & Numbering of sections, subsections, etc.
- ✓ Material to be Deleted -- Strike-through
- ✓ New Material - Underscore
- ✓ Catchlines -- Informative but short
- ✓ Definitions (in alphabetical order)
- ✓ Special Constitutional and Statutory Provisions
- ✓ Penalty Provisions
- ✓ Severability Clause
- ✓ Effective Date
 - Default is July 1
 - Other date as specified
 - Retroactive to January 1 for tax provisions based on calendar years
- ✓ Emergency Clause
- ✓ Sunset Clause

CHECKLIST FOR BILL DRAFTING -- CONTENT

- ✓ Is the title short, yet clearly expressive of the subject matter of the bill?
- ✓ Is the enacting clause at the correct point and in exactly correct form?
- ✓ Are definitions provided for words in the statute which do not have a fixed and single meaning in normal use and which might create an ambiguity if not defined?
- ✓ Are words used consistently with their definitions throughout the bill? Are words defined but never used in the bill?
- ✓ Is the bill written in a clear style and can it be easily understood by those affected?
- ✓ Is the bill divided into sections and subsections so that it is clear?
- ✓ Are the substantive parts of the bill logically arranged?
- ✓ Does the bill accomplish its intended purposes?
- ✓ Does the bill do more than intended?
- ✓ Does the bill create new problems without providing solutions?
- ✓ Does the bill affect existing laws without intending to do so?
- ✓ If the bill is intended to affect existing laws, are its provisions properly integrated with those laws so that no conflict will arise in interpretation or administration?
- ✓ Does the bill affect pending matters? If so does it indicate their disposition?
- ✓ Are all statutory references in the bill accurate?
- ✓ Are all conflicting statutes specifically repealed?
- ✓ Does the bill need a different effective date than July 1? If yes, does the bill contain the necessary words for that effective date?

From "Legislative Bill Drafting" by Albert R. Menard, Jr. 26 Rocky Mountain Law Review, 368, 384 (1954).

STATEMENTS OF PURPOSE AND FISCAL NOTES

STATEMENTS OF PURPOSE

Statements of purpose and fiscal notes are governed by **Joint Rule 18**:

“No bill shall be introduced in either House unless it shall have attached thereto a concise statement of purpose and fiscal note. The contact person for the statement of purpose and fiscal note shall be identified on the document. No bill making an appropriation, increasing or decreasing existing appropriations, or requiring a future appropriation, or increasing or decreasing revenues of the state or any unit of local government, or requiring a significant expenditure of funds by the state or a unit of local government, shall be introduced unless it shall have attached thereto a fiscal note. This note shall contain an estimate of the amount of such appropriation, expenditure, or change under the bill. The fiscal note shall identify a full fiscal year's impact of the legislation. Statements of purpose and fiscal notes may be combined in the same statement. All statements of purpose and fiscal notes shall be reviewed for compliance with this rule by the committee to which the bill is assigned. A member may challenge the sufficiency of a statement of purpose or fiscal note at any time prior to passage, except upon introduction.”

A statement of purpose is a brief explanation, in lay terms, of what a bill will do or what changes a bill makes to existing law. Fiscal notes are a short statement of economic impact and are described below. A statement of purpose, combined with a fiscal note, should be no more than one page long if possible. Statements of purpose and fiscal notes are written by the sponsor of the bill or by someone chosen by the sponsor.

Joint Rule 18 requires that every statement of purpose and fiscal note have a contact person identified on the document.

A statement of purpose and fiscal note should be on one page. If the document is long, use a second page rather than overfill one page. Leave at least a one-inch margin on the top, bottom and right-hand sides, and a margin of one-and-a-quarter to one-and-a-half-inches on the left margin.

FISCAL NOTES

A fiscal note is a document required by **Joint Rule 18** to be attached to every bill considered by the Legislature. Produced in tandem with Statements of Purpose.

PREPARATION GUIDELINES

- The fiscal note should address the impact to the general fund in dollar terms, not exclusively in statements of general economic benefit. If there is no impact to the general fund, then the note should say so.
- Address the total fiscal impact of the legislation, not just the mathematics of the changes. For example, a fiscal impact that changes the grocery credit from \$15 to \$30 for an estimated 500,000 income tax filers should say: "The fiscal impact to state general fund revenues is an estimated loss of \$7,500,000 from individual income tax collections for FY 1995," as opposed to a statement like, "an additional credit of \$15 per filer would benefit 500,000 filers by doubling their refund of sales tax paid on groceries, which amounts to another \$300 worth of groceries that could be purchased tax free." Fiscal notes should explain the impact on:
 - The state general fund;
 - Any other state fund or expenditure; and
 - Local government.
- Fiscal notes should identify the fiscal impact for at least one full fiscal year (not calendar year). Care should be given to understanding the fiscal impact of legislation that is phased in or has changing requirements over more than one fiscal year.
- Keep fiscal notes short. Do not exceed one page. If possible, put fiscal notes on the same page as the statement of purpose.
- Fiscal notes should identify the source of revenues or funds affected, e.g., corporate income tax, cigarette tax, mine license tax, Department of Commerce - Tourism Promotion Fund, etc. Often, merely providing a reference to the fund is not sufficient to identify the tax or fee source that is impacted.
- The statement of purpose and fiscal note must include a contact name and telephone number.
- The committee to which the bill is assigned will review the statement of purpose and fiscal note to be sure that they meet these requirements.

STATEMENT OF PURPOSE / FISCAL NOTE CHECKLIST

- ✓ Is the Statement of Purpose clear and objective considering the subject matter, the sponsor's instructions and your knowledge of the sponsor's point of view?
- ✓ Contact person included?
- ✓ Telephone number of contact person listed?
- ✓ Impact to state general fund explained?
- ✓ Impact to other state funds or expenditures explained?
- ✓ Impact on local government explained?
- ✓ Does the fiscal note identify the fiscal impact for at least one fiscal year?
- ✓ Does the fiscal note identify the fiscal impact of legislation that is phased in or has changing requirement over more than one fiscal year?

STYLE GUIDE

BILL STRUCTURE

BEGIN LOGICALLY

Provisions of a bill should be arranged in a logical order. Usually, when creating a new chapter, put definitions first (listed alphabetically) and basic provisions before special cases, such as exemptions, limitations, etc. Chronological order works well in bills that describe procedures. If amending numerous code sections, arrange the sections in chronological order. If there are some “clean-up” sections that need to be added, such as sections amended to provide corrected code citations, those sections may be added at the end of the bill so that the substantive portion of the bill is first.

CATCHLINES — SHORT BUT INFORMATIVE

Make catchlines short but informative. Catchlines are valuable to readers because they help readers find the material they need. A catchline for a section describing voting procedures is best when specific. That is, “voting procedures” is better than just “voting.” A catchline that gives a short substantive answer is better than one that just gives a clue. A catchline that says: “Notice required” is better than a catchline that just says “Notice.”

NUMBERING AND FORMAT WITHIN A STATUTE

The digits to the left of the hyphen represent the title number. The digits to the right of the hyphen indicate the chapter and section number. The first section in each title is appropriately numbered 101: e.g., the first section in title 1 is 1-101; the first section in title 46 is numbered 46-101. An additional section proposed for the chapter should be given the next available section number. There are sometimes circumstances in which an additional section must be added between consecutive existing sections. If this happens, and there is no other logical place to insert the new section, capital letters may be used when designating the new section number, such as 46-101A., 46-101B., etc.

In a bill, statutes should be arranged in ascending order (e.g., 1-101, 1-102, 1-103). This makes finding a statute in a bill much easier. The exception to this rule is if the context of the bill requires the statutes to be in a different order.

Subdivisions within a statute should have the following internal order:

1-101. Catchline.

(1) [subsection]

(a) [paragraph]

(i) [subparagraph]

1.

(A)

a.

A.

SECTION, SUBDIVISION AND PARAGRAPH LENGTH

Use short sections, subdivisions and paragraphs when possible. The more material you place in a single block, the harder it is for readers to find the particular provisions in which they are interested.

BILL LANGUAGE

ACTIVE VOICE/PASSIVE VOICE

- As a rule, use active voice instead of passive.

Avoid: Rules are published in the Administrative Code by agencies

Preferred Style: Agencies publish rules in the Administrative Code

- Use the passive voice when putting old or repeated information at the beginning of the sentence where it demands less attention and new information at the end of the sentence where it stands out.

Preferred Style: The indictment, information, or affidavit must charge the person with having committed a crime. It must be authenticated by the executive authority making the demand.

- Passive voice will also allow the placement of a long string of nouns at the end of a sentence so that the reader will not have to work through the series before coming to the verb.

Preferred Style: The application may be made by the prosecuting attorney of the county in which the offense was committed, the parole board, or the chief executive officer of the facility or sheriff of the county from which the person escaped.

- Sometimes passive voice will help avoid using “he” or “she.” When using the passive voice, be certain that the duty or permission is assigned clearly, either in the passive sentence or in one of the sentences nearby.

CONDITIONS AND EXCEPTIONS IN STATUTES

A common function of a statute is to set forth a proposition, subject to conditions and exceptions. The more conditions and exceptions that apply, the longer and more complex the statute becomes. Organize the statute so that the general proposition remains clear while conditions and exceptions are added to it, one after another, without needing to rewrite the whole statute each time.

If only one condition applies, the usual way to express it is to begin the sentence with an “if” or “when” clause: “If the person under arrest refuses to permit chemical testing, none may be given.” Use “if” or “when,” not the legalism “where.”

INTRUSIVE PHRASES AND CLAUSES

Avoid interrupting any group of words that must be understood together. Most sentences in bills have verbs with more than one part: shall + (verb) or may + (verb). Sometimes a word is placed between these parts, as in “the commissioner shall immediately order an investigation of a reported epidemic.” Longer divisions are difficult to read. For example:

Within ten (10) days after service of the notice of appeal, the appealing party shall in writing, with a copy to the executive secretary of the public employment relations board and all parties or their representatives of record, order from the bureau of mediation services a transcript of any parts of the proceedings it deems necessary...

The interrupting words make no sense without the verb order, but the reader must struggle through 20 words to reach it. The interrupting words would serve better as a separate sentence:

...the appealing party shall order from the bureau of mediation services a transcript of any parts of the proceedings it considers necessary. The transcript order must

be in writing. The appealing party shall give a copy of the transcript order to the executive secretary of the public employment relations board and all parties or their representatives of record.

MODIFIERS

To avoid ambiguity the drafter must be careful to modify only the words intended to be modified. For example, “an unmarried student, parent or pregnant woman” is ambiguous since it is not clear what “unmarried” modifies. The drafter should either write “a parent, a pregnant woman or an unmarried student” or “an unmarried person who is a student, parent or a pregnant woman,” depending upon the legislation's intent.

NOUN STRINGS

A string of four or five nouns is hard to read because it hides the relationships between words. You may need more words in order to make their relationships clear.

Avoid: electronic financial terminal authorization application

Preferred Style: application for the right to use an electronic financial terminal

OVERDRAFTING

Generally in drafting, being specific is better than being general. However, being specific does not mean naming every single thing you are forbidding or requiring.

Avoid: Listing all the possibilities, as reflected below:

“80-333. TREES, SHRUBS, PLANTS, GRASS AND OTHER VEGETATION. (a) General injury. No person shall prune, cut, carry away, pull up, dig, fell, bore, chop, saw, chip, pick, move, sever, climb, molest, take, break, deface, destroy, set fire to, burn, scorch, carve, paint, mark, or in any manner interfere with, tamper, mutilate, misuse, disturb or damage any tree, shrub, plant, grass, flower, or part thereof, nor shall any person permit any chemical, whether solid, fluid, or gaseous, to seep, drip, drain or be emptied, sprayed, dusted or injected upon, about or into any tree, shrub, plant, grass, flower, or part thereof, except when specifically authorized by competent authority; nor shall any person build fires, or station, or use any tar kettle, heater, road roller or other engine ...”

Preferred Style: No one may harm the plants.

PARALLEL FORM

When writing a series or list, keep similar ideas in similar, or parallel, form. Sentences with parallel structure are easier to read and remember.

Avoid: A person shall not drain, throw, or deposit upon the lands and waters within a state park any substance that would mar the appearance, create a stench, or destroy the cleanliness or safety of the park.

Preferred Style: A person shall not drain, throw, or deposit upon the lands and waters within a state park anything that would mar the park's appearance, destroy its cleanliness or safety, or create a stench.

PERSON

- Using “we” and “you” is impractical in bills which have to deal with several different sets of people and their duties at once. Write in terms of “the commissioner,” “the department,” and
- Be sure that the terms you use, such as “commissioner” or “department,” are defined in the chapter in which you are using them.
- Use the singular, not the plural. By statute, in Idaho the singular includes the plural.

Avoid: All persons who....

Preferred Style: A person who....

PRESENT TENSE

Use the present tense when writing a statute. A statute speaks as of the time that it is read, not merely as of the time it was enacted. Therefore, drafters must write statutes as they are to be read at the time of application. In addition, the present tense is easier to understand and presents more forceful admonitions. Further, declarative sentences are preferable to unnecessary, mandatory or imperative sentences.

Avoid

A person who shall drive recklessly

It shall be unlawful

If a member shall resign

The term “person” shall mean

No person shall be entitled

Who shall serve

Preferred Style:

A person who drives recklessly

It is unlawful

If a member resigns

“Person” means

No person is entitled

Who serves

PROVISOS

Provisos are phrases usually signaled by “provided that” or “provided however.” Provisos give drafters a tool for sticking afterthoughts onto the end of a sentence. However, they should be avoided. Instead, split the sentence with the proviso into two sentences.

Avoid: The board may revoke a supervised release if the supervised person fails to enter a program; provided however, that if no community program is available at the time of supervised release, the board may order the supervised person to enter the first available community program.

Preferred Style: The board may revoke supervised release if the supervised person fails to enter a program. If no community program is available at the time of supervised release, the board may order the supervised person to enter the first available community program.

REFERRALS

References to other sections of the Idaho Code, the United States Code, etc., use the following style:

Idaho Code section:	section 67-2501, Idaho Code,
Idaho Code chapter/title:	chapter 3, title 9, Idaho Code,
Idaho Constitution:	section 3, article VIII, of the constitution of the state of Idaho
United States Code:	26 U.S.C. section 4237
Code of Federal Regulations:	26 CFR 2371
subdivision within same code section:	subsection (a) of this section
subdivision in another code section:	section 67-2132(1), Idaho Code
Session Laws:	section 1, chapter 321, Laws of 2002

SENTENCES WITHIN SENTENCES

Do not write lists in which sentences are attached to phrases or clauses. This makes punctuation difficult within the subsections. Each subsection which lists an item referring back to the sentence prior to the beginning of the list usually ends with a

semicolon. If there are sentences contained within the subsection, the punctuation would have to be as follows in item (2):

Excluded stock. “Excluded stock” for a brother-sister controlled group means:

- (1) Stock ...;
- (2) Stock in a member corporation, but only in substantial limits are imposed on the employee’s right to dispose of the stock. A bona fide stock repurchase arrangement is not considered one of the limits to the employee’s right to dispose of stock;
- (3) Stock

The best solution is to either turn your list of sentence phrases into a list of complete sentences or to reword the sentence prior to the list so that the list contains only phrases.

SHALL AND MAY

“Shall” is properly used to indicate that something is mandatory and normally implies that to accomplish something someone must act. As to a public official, “shall” is used to impose a duty, direction or command unless the context indicates that the legislature wished discretion to be exercised. Use “shall” to prescribe a rule of conduct, but not to declare a legal result.

Avoid: The equipment shall remain the property of the United States.

Preferred Style: The equipment remains. . . .

Avoid using “shall” to confer a right as with “the director shall receive compensation.” Instead use “the director’s compensation is” or “the director is eligible to receive compensation.”

Use “may” to grant permission, discretion or authority. Instead of writing: “The board is authorized to” or “The board shall have the authority to” or “The board, may, in its discretion” write: “The board may”

“Shall not” is used throughout the Idaho Code and it may be difficult to break that tradition. However, “shall not” means that a person does not have a duty to act. To say “no person shall” means that there is no one who has a duty to engage in the action. The proper way to prohibit an act is to say “may not” in connection with the action prohibited: “The board may not revoke a license without a hearing.” “May not” properly denies the board the authority to act in that situation.

SHORT SENTENCES

Keep sentences short. Sentences in statutes are often long, and grow longer every time they are amended. The longer the sentence, the more likely it is that the reader will have to ask: What parts go together? What does this modifier modify? Write short sentences when possible, and give long sentences clear structure.

TECHNICAL NUANCES

CAPITALIZATION

Capitalization is used sparingly in Idaho statutes.

- In statutes use: section 1-101, Idaho Code; **and** section 3, article III, of the constitution of the state of Idaho.”
- In resolutions use: Section 1-101, Idaho Code; **and** Section 3, Article III, of the Constitution of the State of Idaho.
- The word “Idaho” and most proper names are capitalized. Use the lowercase “state” in the phrase “state of Idaho” and elsewhere.

Words in Lowercase

- “federal” or “legislature”
- names of acts, ex. “the social security act”
- official titles of state, county or municipal officers
- agencies or institutions, such as: “governor,” “department of ...” or “board of ...”
- words that indicate geographic location: “northern Idaho”

Capitalize

- “Ada County” (but not “county of Ada” or “city of Boise”)
- months and days of the week
- “American,” “United States,” and “United States Code”
- the first word in a sentence and the first words in numbered clauses
- ****Please Note:** In resolutions, memorials and proclamations, words are capitalized as common rules of grammar would dictate.**

PUNCTUATION

Good drafting eliminates the need for excessive punctuation within a sentence. Use a period where possible. Avoid using commas and semicolons when possible. Courts often look to punctuation to determine the meaning of a law. A well written sentence contains the least amount of punctuation necessary to convey a clear meaning. However, if commas are necessary, have a keen eye to their proper use. For example,

commas are often used to enclose parenthetical words and phrases within a sentence. Such phrases are frequently preceded and followed by a comma.

COMMAS should be used sparingly but are appropriate:

- To separate the items in a series, as in “the governor, the director, the attorney general and the secretary of state” But note: The comma is omitted before the conjunction “and” or “or” within a series of words, phrases or clauses.
- To set off dates, as in “Beginning on July 1, 2002, the director shall”
- Before a conjunction if both clauses are a complete sentence.
- Before “except that” if what follows is a complete sentence.

NUMBERS

- In bill titles, numbers are written out.
- Within the body of a bill, numbers are spelled out and repeated in parentheses:
 - Five hundred (500) animals;
 - Ten percent (10%);
 - Use decimals with dollar amounts under \$100:
 - Three dollars and fifty cents (\$3.50)
 - Fifty-seven cents (57¢).
- Omit the spoken “and” when expressing large amounts:
 - Three thousand three hundred twenty (3,320).



WORD CHOICE

“AND” V. “OR”

- “And is conjunctive and means that the items are to be taken together.
- “Or” is disjunctive and means that one is to be chosen from the list.
- Avoid using “and/or.”

“ASSURE,” “ENSURE” AND “INSURE”

- “Assure” means to make certain or to try to increase another's confidence.
- “Ensure” means to make certain or guarantee.
- “Insure” means to indemnify or procure insurance for something.

“CHAPTER” V. “ACT”

Often references are made in the Idaho Code to “this act” or “this chapter.” The references are appropriate when referring to the general authority or purpose of a group of statutes combined by subject or numerical designation. However, the terms must be used carefully.

- “Act” refers to the original act and its original effective date. Therefore, the term does not necessarily include amendments made after the original effective date.
- “Chapter” refers to all the statutes in the chapter, including amendments made after the original effective date of the act that created the chapter. Use “chapter” rather than “act” unless the reference should clearly be “act.”

“FUND,” “FUNDS” AND “MONEYS”

- “Funds” is roughly synonymous with “accounts.”
- Use “funds” if referring to assets that are set apart for a specific objective or on deposit and from which checks or drafts can be drawn.
- Use “moneys” if referring to cash or sums of money. For example:
 - *The legislature appropriates **moneys** from the state general fund to state agencies.*

“PROVISION” (REFERRING TO PART OF A STATUTE)

When referring to a chapter, statute or another subsection of the same statute, it is not necessary to say “the provisions of chapter 22, title 36, Idaho Code, do not apply,” “the provisions of section 36-2903, Idaho Code, do not apply” or “the provisions of subsection (2) of this section do not apply.” Instead, simply say “chapter 22, title 36, Idaho Code, does not apply,” “section 36-2346, Idaho Code, does not apply” or “subsection (2) of this section does not apply.” The exception to this rule is if the reference is to a specific, identified provision of a statute or subsection, such as: “the provisions of subsection (2) of this section regarding notice do not apply.”

“THE” V. “SUCH” OR “SAID”

“Such” and “said” are archaic, awkward and often cause confusion. As substitutes, use words such as “that,” “the,” “these,” “those,” “them” and “it.” For example:

- *The fines shall be paid to **the** assessor.*

“THEREFORE” V. “THEREFOR”

- “Therefore” (adv) means consequently or hence.
- “Therefor” (adv) means in place of, in return for or because of.

“THROUGH”

The word “through” means to and including, when used in reference to a series of three or more statute sections, subsections, paragraphs or items.

Avoid: “sections 13-111 through 13-114, inclusive.”

Preferred Style: “sections 13-111 through 13-114.”

“WHICH” V. “THAT”

- If you can tell which thing is being discussed without the “which” or “that” clause, use “which”; if you can’t, use “that.”
- If the phrase needs a comma, you probably mean “which.”
- A paradoxical mnemonic: use “that” to tell which, and “which” to tell that.

WORDS IN DEPTH

ACRONYMS AND ABBREVIATIONS

ACRONYMS

- They are hard to read because they force a lay reader to go back to the definition section and to make repeated mental substitutions. If you don't want to write the phrase “large electric power generating plant” over and over, don't call it an “LEPGP.” Instead, define a short substitute like “large power plant” or just “plant.”
- Avoid using acronyms as a substitute for an official name. For example, write “Environmental Protection Agency” or “the agency.” Use “the EPA” only when it is a second reference and the abbreviation has been defined earlier.

TIME ABBREVIATIONS

Avoid: One o'clock a.m. **or** 1:00 o'clock a.m.

Preferred Style: 1:00 a.m.

LEGAL LAND DESCRIPTIONS

- Names of the compass points should remain exactly as they are in the legal or agency instrument the drafter is working from. For example:
 - *Only that portion of the stream which is known as Box Canyon Creek, situated in the northwest quarter (NW 1/4) of section 27, township 8 south, range 14 east of the Boise meridian; and*

FAMILIAR WORDS

Use speaking vocabulary as much as you can without being slangy. Do not use writing vocabulary if you can avoid it. Writing vocabulary tends to be more formal.

<u>Avoid (Formal)</u>	<u>Preferred Style (Familiar)</u>
accorded, afforded	given
commence	begin
consequence	result

effect (as a verb)	make, carry out, do
effectuate	carry out, do
forthwith	promptly [or] immediately
in accordance with	according to [or] pursuant to [or] under
promulgate	make, adopt
utilize	use

GENDER-NEUTRAL LANGUAGE

Avoid using “he” or “she,” “workman” or “man-hours,” and other gender specific words. The Idaho Code provides that the masculine includes the feminine. If you must use a gender specific word, use the masculine unless the context requires using “she.”

JARGON

Jargon means either:

- Meaningless language; or
- The useful technical vocabulary of a trade or profession.

Real technical language can save time and space. If your audience understands it and expects it, then use it. Whenever possible, use the words that ordinary people know.

SYNONYMS AND CONSISTENT TERMS

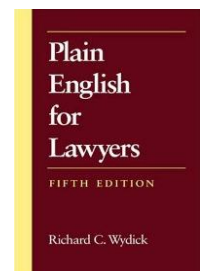
Avoid synonyms. Throughout a bill, use one term consistently to mean one thing. To keep from varying your terms, choose one of the terms available and use it consistently. For example, unless the context clearly indicates a different meaning, “warehouse” may be used interchangeably with “elevator,” “storage house,” or “facility.”

RECOMMENDED REFERENCE RESOURCES

Drafting Legislation and Rules in Plain English, Robert J. Martineau

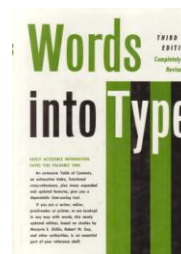
Plain English for Lawyers, Richard C. Wydick

Legislative Drafter’s Desk Reference, Lawrence E. Filson



Our primary grammar guide is:

Words into Type, Marjorie E. Skillin, Robert Malcolm Gray



APPENDICES

BILL INTRODUCTION DEADLINES

A bill may be introduced by a member of the Legislature, a group of members of the Legislature or a standing committee.

PERSONAL BILL DEADLINES — **20th Day in the House; 12th Day in the Senate**

Individual legislators may introduce bills and resolutions, but only until the 20th legislative day in the House and the 12th legislative day in the Senate. Personal bills are taken directly to the Chief Clerk of the House (if a House member) or the Secretary of the Senate (if a Senate member), who then assigns a bill number. The bill does not go through the committee process for introduction but will be assigned to a committee after printing. After these deadlines, only committees can introduce bills and resolutions.

COMMITTEE DEADLINES — **36th Day in House and Senate Unless Privileged**

After the 36th day in both houses bills may be introduced only by privileged committees. In the House, the privileged committees are: State Affairs, Appropriations, Education, Revenue and Taxation, and Ways and Means. In the Senate, the privileged committees are: State Affairs, Finance, and Judiciary and Rules. Other committees may be designated as privileged committees by the Speaker of the House and the President Pro Tempore of the Senate. All joint resolutions must be introduced by the 36th day.

GLOSSARY

ACT: A bill which has been approved or “enacted” by both houses of the Legislature and has become a law, with or without the governor’s signature. After the Legislature adjourns each year, the acts are published in the Idaho Session Laws and the Idaho Code.

AMENDMENT: A formal change by modification, deletion or addition.

- A change to an Idaho Code section is an amendment to the section. The changes are shown by underlining language to be added to the code section and/or striking through language to be deleted from the code section.
- A change to a bill that has been introduced is also an amendment. Once a bill has been introduced it can only be changed by formal amendment, a process requiring action on the floor of the House or Senate.

BILL: A proposal created for the enactment of a new law, the amendment or repeal of a law already in existence, or the appropriation of public money. There is no other vehicle for the enactment of an Idaho law by the Legislature. (Example 1)

CATCHLINE: The caption at the beginning of each section of the Idaho Code.

EFFECTIVE DATE: The date on which a law becomes effective. Unless the law specifically provides a date, all laws in Idaho become effective on July 1 of the year in which they were passed by the Legislature and approved by the Governor. If a law is to become effective prior to July 1, an emergency clause is necessary.

ENACTING CLAUSE: The first clause in a bill and the clause required by the Idaho Constitution. Each bill must begin with the following phrase: "Be it Enacted by the Legislature of the State of Idaho:". A bill without an enacting clause is fatally flawed.

ENGROSSED BILL: When a bill has been amended, it is engrossed by incorporating the changes specified in the amendment into the bill. A bill can only be engrossed in the house in which it was introduced. If a bill is amended in the house which did not introduce the bill, it is not engrossed until the house which introduced the bill concurs in the amendments.

IDAHO CODE: A set of books, approximately 23 volumes, containing all the laws of the state of Idaho. These volumes are updated with pocket supplements, published annually in late June to reflect all recently passed legislation.

MEMORIAL: A petition which is usually addressed to the President, the Congress, or some official or department of the federal government, requesting an action that is within the jurisdiction of the official or body addressed. Essentially, a memorial is acted upon in the same manner as a bill and must be passed by both houses. It is not signed by the Governor. (Examples 23 and 24)

MINI DATA: Mini Data, a concise numerical listing of all House and Senate bills, memorials and resolutions introduced by the Legislature, is published in pamphlet form Tuesday through Friday of each week during session. The information contained in Mini

Data includes the bill number, a very brief description of the subject matter and the last action on the legislation.

PROCLAMATION: A petition that includes, but is not limited to: a vote of thanks, recognition of service or honor for a special achievement or accomplishment, sorrow over death, or establishment of a celebration. It is adopted by both houses. (Example 25)

RESOLUTIONS:

CONCURRENT RESOLUTION: A measure which expresses principles and opinions of the Legislature. Some of the purposes for the use of a concurrent resolution are: authorization of interim studies and legislative committees; adoption of printing contracts; adoption of policies for legislative and state employee pay; rejection or approval of rules of state agencies; amendment of joint legislative rules; and issuance of instructions to a department of state government. Essentially a concurrent resolution is acted upon in the same manner as a bill. It is not signed by the Governor. (Examples 18 through 21)

JOINT RESOLUTION: A measure used to ratify amendments to the U.S. Constitution and to propose amendments to the Idaho Constitution. A joint resolution requires the approval of a two-thirds majority of both houses. It does not have to be signed by the Governor. (Example 22)

HOUSE RESOLUTION OR SENATE RESOLUTION: A measure that addresses the affairs of one house only and requires action only by the house concerned. Some of the uses for a resolution are: to regulate of procedure in that house; to express an opinion or a request to the other house; to express a principle or opinion of the one house; and to express appreciation of the Legislature to companies, individuals, etc. (Examples 16 and 17)

RS (ROUTING SLIP): Each piece of proposed legislation is assigned an RS number for tracking purposes. An RS is a piece of legislation that has been processed, proofread, and formatted by the Research and Legislation area of the Legislative Services Office. It is then delivered to its sponsor for presentation to a committee and formal introduction into the legislative process. An RS is not a public document until it has been assigned a bill number by either the House or Senate and actually taken up for discussion in committee.

SESSION LAWS: The published compilation of bills, memorials and resolutions that have been passed and become law as a result of action by the current Legislature. Bills in Session Laws show striking and underscoring and are arranged in the order in which

the bills were signed by the Governor; memorials and resolutions are arranged in numerical order.

SEVERABILITY CLAUSE: When a law is contested on constitutional grounds, normally a specific section of the law is the problem. If that section of the law is held to be unconstitutional, the courts are faced with the determination of whether the Legislature intended the balance of the law to remain in effect when any provision of the law has been removed. The severability clause instructs the courts that the balance of the law is to remain in effect. If you wish to include a severability clause in your legislation, please indicate on your draft “severability clause.” This will alert this office to use the standard severability clause.

SOP/FN (STATEMENT OF PURPOSE/FISCAL NOTE): A Statement of Purpose and Fiscal Note is required to be attached to each bill considered by the Legislature. The Statement of Purpose is a brief explanation of what a bill would do or what changes a bill would make to existing law. A Fiscal Note states the estimated amount of increase or decrease in revenues or expenditures that the bill will cause if passed. It states the financial impact on the General Fund, as well as the impact on local governments. Statements of Purpose are not prepared by the Legislative Services Office. The SOP/FN is the responsibility of the sponsor of the legislation. (Examples 26, 27 and 28)

TITLE: A title is the initial portion of a bill printed in capital letters, which provides a description of the contents of the bill. Each code section added, repealed or amended in the bill must be mentioned in the title, with a brief description of the change proposed in that code section.

WBS (WEEKLY BILL STATUS): The WBS is a publication listing all House and Senate bills, memorials and resolutions introduced by the Legislature. Each measure is listed numerically by bill number and contains a brief description of the subject matter with a report of all actions on the measure. A subject index is included in the publication. WBS is edited daily so it is current on the Internet and is published in hard copy format, available Monday morning of each week. A final edition is published approximately three or four weeks after the Legislature has adjourned sine die.

LEGISLATIVE PROCESS FOR LEGISLATION

FIRST READING

The bill is read the first time and is then referred by the Speaker of the House to the Judiciary, Rules and Administration Committee for printing. After the bill is printed, it is reported printed and referred to a standing committee by the Speaker. A similar procedure is used in the Senate.

SECOND READING

When a bill is reported out of committee, it is placed on the second reading calendar and is read again. The following legislative day, the bill is automatically on third reading unless other action has been taken.

THIRD READING

The Clerk is required to read the entire bill section by section when it is on the Order of Business identified as the "Third Reading of Bills." It is normal procedure, however, for the members to dispense with this reading at length. At third reading the bill is ready for debate and the final vote. Each bill is sponsored by a member who is known as the "floor sponsor" and who opens and closes debate in favor of the bill. After debate has closed, the vote is taken. A bill is passed by a majority of those present.

If a bill fails to pass, it is filed in the Office of the Chief Clerk, if it is a House Bill; it is filed in the Office of the Secretary of the Senate, if it is a Senate Bill. If the bill is passed, it is transmitted to the other house where it goes through a similar process.

FINAL VOTING

The members of the House of Representatives vote through electric scoreboards at the sides of the chamber. The votes are automatically counted. The presiding officer announces the vote after the machine has recorded the votes. In the Senate, voting is done by voice roll call vote and recorded on a tally sheet by the Secretary of the Senate. The presiding officer then announces the vote.

A majority vote in the House and the Senate is 51% of the members present at the time of the vote. There is an exception to this rule which applies in certain issues when a two-thirds majority is required.

SENATE ACTION ON HOUSE BILLS

After the final action by the Senate on a House bill, it is returned to the House with a message explaining the Senate's action. The message is read to the House. If the bill passed the Senate without amendment, it is enrolled by the House Judiciary, Rules and Administration Committee, signed by the Speaker of the House of Representatives and the President of the Senate and transmitted to the Governor for his action.

COMMITTEE OF THE WHOLE

When a printed bill is to be amended, it is referred to the Committee of the Whole for amendment. At the proper Order of Business, the House resolves itself into the Committee of the Whole House and the entire membership sits as one committee to consider changes to both House and Senate bills. **House Rules 47 through 50** govern Committees of the Whole in the House. **Senate Rule 22** is the primary rule governing the Committee of the Whole in the Senate.

When a House bill has been amended by the Committee of the Whole, and the amendment is accepted by the House, it is referred to the Judiciary and Rules Committee for engrossing. Amendments are inserted into the bill and the engrossed bill is then placed back on the calendar to be considered as a new bill. A bill can only be engrossed by the house of origin.

GOVERNOR'S ACTION

After receiving a bill passed by both the House and Senate, the Governor may:

- Approve the bill within 5 days after receiving it (except Sundays), or within 10 days of presentment after the Legislature adjourns sine die at the end of the session.
- Allow the bill to become law without his approval by not signing it within the 5 days allowed or within 10 days of presentment after the Legislature adjourns sine die.
- Disapprove (veto) the bill within 5 days and return it to the house of origin giving his reason for disapproval, or within 10 days of presentment after the Legislature adjourns sine die. (**Section 10, Article IV, Idaho Constitution**)

LEGISLATURE MAY OVERRIDE GOVERNOR'S VETO

A bill may become law over the Governor's veto if both houses vote to override the veto by a two-thirds majority of the members present in each house. (**Section 10, Article IV, Idaho Constitution and Section 67-503, Idaho Code**)

When a bill is approved by the Governor or becomes law without his approval or over his veto, it is transmitted to the Secretary of State for assignment of a chapter number and inclusion in the Idaho Session Laws. Most bills become law on July 1, unless a bill contains an emergency clause or other specific date of enactment.

LIST OF OBSOLETE WORDS/TERMS AND SUGGESTED REPLACEMENTS

Avoid these words:

- aforesaid, aforementioned
- before-mentioned
- duly
- herein
- hereinabove, hereinafter, hereunder
- same (as a substitute for it, he, him, etc.)
- thereof, thereto, therewith
- to wit
- whatsoever, whensoever, wheresoever

Avoid:

adequate number of
and/or
any and all
at the place
at the time
due to the fact that
establish a contractual relationship with
for the duration of
for the purpose of
full and complete
give consideration to
has knowledge or suspicion that
has the authority to
if any person shall violate
if it shall appear that
in the event that
in the preceding section
in its discretion may
in lieu of
is applicable
is defined to mean
is ordered and directed to
is required to/it is his duty to

Preferred:

enough
a or b, or both,
all
where
when
because
contract with
during
to
full
consider
knows or suspects that
may
a person who violates
if it appears
if
in section (insert number)
may
instead of [or] in place of
applies
means
shall [or] must
shall [or] must

it shall be unlawful to	it is unlawful
make application	apply
make payment	pay
make provision	provide
make inquiry	inquire
per annum	a year
prior to	before
provide assistance to	assist
provided however	If [or] except [or] unless [or] specifically state the condition
rule and regulation	rule – related to state agency; regulation – related to fed agency
set forth	state
shall be	is [or] are
shall be construed to mean	means
subsequent to	after
terms and conditions	conditions
the same is hereby	is
under the provisions of	under
upon	on
upon a determination by X that	if X determines that
with reference to	about
when, wherein, in which	if

WRITING STYLE CHECKLIST

The goal of good bill drafting is to make legislation as short, simple and readable as possible while not sacrificing clarity or precision. The most basic drafting rules include:

- ✓ Use only necessary and understandable words.
- ✓ Avoid unnecessary legalese or redundant legal phrases.
- ✓ Avoid slang or acronyms.
- ✓ Use words consistently. Do not use synonyms.
- ✓ Keep sentences as brief as possible by limiting them to a single thought.
- ✓ Keep new statutory sections as short as possible.
- ✓ Use section divisions to break down long statutes into understandable units.
- ✓ Use a list to describe multiple duties or actions.
- ✓ Use “shall” only to impose a duty to act.
- ✓ Use “may” to grant discretion or authority to act.
- ✓ Avoid “must,” “should” or “can.”
- ✓ Use the present tense.
- ✓ Use the active voice.
- ✓ Avoid using pronouns.
- ✓ When amending existing law use the most current version.

EXAMPLES

BILLS

EXAMPLE 1 - AMENDING A STATUTE WITH EMERGENCY CLAUSE

The diagram shows a legislative bill with the following structure:

- Title:** HOUSE BILL NO. 551
BY TRANSPORTATION AND DEFENSE COMMITTEE
- Enacting Clause:** Be It Enacted by the Legislature of the State of Idaho:
- Preamble:** SECTION 1. That Section 49-1316, Idaho Code, be, and the same is hereby amended to read as follows:
- Effective Date:** SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

The main body of the bill (Section 1) contains the following text:

49-1316. ERECTION OF MEMORIALS TO PERSONS KILLED IN TRAFFIC ACCIDENTS. As a means of promoting safety upon the highways of ~~this~~ the state highway system, the transportation department, the state police and other law enforcement officers shall permit relatives or friends of a person killed in a traffic accident upon a state highway of the state, with the consent of the next of kin of the deceased, to erect a traffic accident memorial in memory of the decedent. The traffic accident memorial shall be erected adjacent to the portion of the state highway where the accident occurred so that the traffic accident memorial serves as a reminder that a fatality occurred on that stretch of state highway and that public safety will thereby be enhanced. The transportation department shall promulgate rules to implement the provisions of this section, to provide size limitations the traffic accident memorial must conform to and to retain jurisdiction over areas adjacent to state highways where traffic accident memorials are placed.

- Note the example of strike and underscore editing on line 11
- The entire word “this” is struck and “the” underscored

EXAMPLE 3

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 473

BY STATE AFFAIRS COMMITTEE

1 AN ACT

2 RELATING TO THE COUNTY OPTION KITCHEN AND TABLE WINE ACT; REPEALING SECTION
3 23-1309A, IDAHO CODE, RELATING TO RECIPROCAL INTERSTATE SHIPMENT AND
4 RECEIPT OF WINE.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 23-1309A, Idaho Code, be, and the same is hereby
7 repealed.

EXAMPLE 5 – MULTIPLE EFFECTIVE DATES

BY TRANSPORTATION COMMITTEE

23 SECTION 4. Section 2 of this act shall be in full force and effect on and
24 after July 1, 2002; and Sections 1 and 3 of this act shall be in full force
25 and effect on and after January 1, 2003.

- ### EXAMPLE 6 – MULTIPLE EFFECTIVE DATES

BY HEALTH AND WELFARE COMMITTEE

40 SECTION 2. The provisions of this act shall be in full force and effect
41 on and after July 1, 2002, except that the provisions of Sections 54-4906,
42 54-4914 and 54-4917, Idaho Code, shall not take effect until January 1, 2003.

EXAMPLE 7

BY REVENUE AND TAXATION COMMITTEE

1

40

EXAMPLE 8 – EFFECTIVE DATE WITH CONTINGENCIES

HOUSE BILL NO. 256, As Amended

BY ENVIRONMENTAL AFFAIRS COMMITTEE

1 AN ACT
2 RELATING TO WATER QUALITY; AMENDING SECTION 39-3613, IDAHO CODE, TO STRIKE
3 PROVISIONS ESTABLISHING THE COEUR D'ALENE RIVER COMMISSION; AMENDING TITLE
4 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 81, TITLE 39, IDAHO CODE,
5 TO ESTABLISH THE BASIN ENVIRONMENTAL IMPROVEMENT ACT, TO PROVIDE A SHORT
6 TITLE, TO EXPRESS THE POLICY OF THE STATE, TO PROVIDE DEFINITIONS, TO PRO-
7 VIDE FOR ESTABLISHMENT OF AGREEMENTS OR COMPACTS FOR PARTICIPATION IN THE
8 BASIN PROJECT, TO PROVIDE THAT THE GOVERNOR SHALL REQUEST RECIPROCAL LEG-
9 ISLATION, TO PROVIDE FOR CREATION OF THE BASIN PROJECT AND TO PROVIDE FOR
10 ESTABLISHMENT OF A BOARD OF COMMISSIONERS, COMPOSITION OF THE BOARD AND
11 POWERS AND DUTIES, TO PROVIDE FOR ESTABLISHMENT OF A BASIN FUND AND
12 FINANCING AUTHORITY AND ITS ADMINISTRATORS AND AUTHORITIES, TO PROVIDE
13 THAT THE FINANCING AUTHORITY MAY ISSUE NOTES AND BONDS, TO PROVIDE THAT
14 THE STATE WILL NOT IMPAIR VESTED RIGHTS CREATED BY NOTES AND BONDS, TO
15 LIMIT LIABILITY AND PROVIDE THAT NOTES AND BONDS ARE NOT A DEBT OF THE
16 STATE, TO PROVIDE THAT THE STATE MAY MAKE GRANTS TO THE FINANCING AUTHOR-
17 ITY, TO PROVIDE THAT NOTES AND BONDS OF THE FINANCING AUTHORITY ARE LEGAL
18 INVESTMENTS, TO PROVIDE THAT NOTES AND BONDS OF THE FINANCING AUTHORITY
19 ARE TAX EXEMPT, TO PROVIDE THAT THE CHAPTER IS SUPPLEMENTAL AND IS NOT A
20 LIMITATION ON POWERS AND TO PROVIDE THAT THE CHAPTER PREVAILS IF OTHER
21 LAWS ARE INCONSISTENT; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
22 DATE FOR SECTION 1 OF THIS ACT UPON CERTAIN CIRCUMSTANCES OCCURRING.

37 SECTION 3. An emergency existing therefor, which emergency is hereby
38 declared to exist, this act shall be in full force and effect on and after its
39 passage and approval, provided however that Section 1 of this act shall become
40 effective only upon the execution of the order pursuant to Section 39-8106,
41 Idaho Code, and a filing of the order with the Governor and the Secretary of
42 State.

EXAMPLE 9 – EFFECTIVE DATE WITH CONTINGENCIES

HOUSE BILL NO. 658

BY HEALTH AND WELFARE COMMITTEE

1 AN ACT
2 RELATING TO MEDICAID ELIGIBILITY; AMENDING TITLE 56, IDAHO CODE, BY THE ADDI-
3 TION OF A NEW CHAPTER 12, TITLE 56, IDAHO CODE, TO ADOPT THE LONG-TERM
4 CARE PARTNERSHIP PROGRAM, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO
5 SPECIFY THE OPERATION OF THE PROGRAM AND ESTABLISH THE PROVISIONS OF ASSET
6 DISREGARD, TO SPECIFY TERMS OF ELIGIBILITY, TO PROVIDE ADMINISTRATION, AND
7 TO PROVIDE NOTICE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

40 SECTION 2. This act shall be in full force and effect sixty (60) days
41 after the date of repeal of the restrictions to asset protection contained in
42 the Omnibus Budget Reconciliation Act of 1993 (public law 103-66, 107 Stat.
43 312).

EXAMPLE 10 – EMERGENCY CLAUSE WITH RETROACTIVE DATE

HOUSE BILL NO. 679

BY REVENUE AND TAXATION COMMITTEE

1 AN ACT
2 RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-602EE, IDAHO CODE, TO PRO-
3 VIDE THAT MACHINERY AND EQUIPMENT USED IN THE PRODUCTION OF OR CARING FOR
4 NURSERY STOCK IS EXEMPT FROM TAXATION; DECLARING AN EMERGENCY AND PROVID-
5 ING RETROACTIVE APPLICATION.

23 SECTION 2. An emergency existing therefor, which emergency is hereby
24 declared to exist, this act shall be in full force and effect on and after its
25 passage and approval, and retroactively to January 1, 2002.

See Example 1 for Simple Emergency Clause

EXAMPLE 11 – SUNSET CLAUSE

SENATE BILL NO. 1319

BY HEALTH AND WELFARE COMMITTEE

1 AN ACT
2 RELATING TO THE CREATION OF A TRAUMA REGISTRY; PROVIDING A STATEMENT OF PURPOSE;
3 PURPOSE; AMENDING TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 20,
4 TITLE 57, IDAHO CODE, TO PROVIDE A PURPOSE OF THE REGISTRY, TO DEFINE
5 TERMS, TO PROVIDE ESTABLISHMENT OF A TRAUMA REGISTRY, TO REQUIRE PARTICI-
6 PATION IN THE PROGRAM, TO PROVIDE CREATION OF A TRAUMA REGISTRY FUND AND
7 THE PURPOSES OF THE FUND, TO PROVIDE CONFIDENTIALITY FOR CERTAIN RECORDS,
8 AND TO LIMIT LIABILITY FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAP-
9 TER; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM
10 PROVISIONS OF THE OPEN RECORDS LAW FOR TRAUMA REGISTRY DATA AND TO MAKE A
11 TECHNICAL CORRECTION; PROVIDING AN EFFECTIVE DATE WITH AUTHORITY TO PRO-
12 MULGATE RULES; AND PROVIDING FOR SUNSET OF THE PROVISIONS OF THIS CHAPTER.

8 SECTION 4. This act shall be in full force and effect on and after Janu-
9 ary 1, 2003, provided that for purposes of promulgation of rules as provided
10 in section 57-2003, Idaho Code, this act shall be in full force and effect on
11 and after July 1, 2002.

12 SECTION 5. The provisions of this act shall be null, void and of no force
13 and effect on and after January 1, 2008.

EXAMPLE 12 – SUNSET CLAUSE WITH EMERGENCY CLAUSE

HOUSE BILL NO. 406, As Amended

BY REVENUE AND TAXATION COMMITTEE

1
2 AN ACT
3 RELATING TO A COUNTY SALES TAX; REPEALING CHAPTER 26, TITLE 63, IDAHO CODE;
4 AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE
5 63, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE AUTHORITY FOR
6 A COUNTY SALES OR USE TAX, TO CREATE THE COUNTY PROPERTY TAX RELIEF FUND,
7 TO PROVIDE GENERAL PROVISIONS FOR AN ORDINANCE ASSESSING THE TAX, TO PRO-
8 VIDE FOR COLLECTION AND ADMINISTRATION OF LOCAL OPTION SALES OR USE TAXES
9 BY THE STATE TAX COMMISSION AND TO PROVIDE FOR DISTRIBUTION; PROVIDING
10 SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING A SUNSET CLAUSE.

31 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
32 to be severable and if any provision of this act or the application of such
33 provision to any person or circumstance is declared invalid for any reason,
34 such declaration shall not affect the validity of the remaining portions of
35 this act.

36 SECTION 4. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after its
38 passage and approval, and shall be null, void and of no force and effect on
39 and after December 31, 2009.

EXAMPLE 14 – EFFECTIVE DATE WITH APPLICATION

SENATE BILL NO. 1477

BY STATE AFFAIRS COMMITTEE

1 AN ACT
2 RELATING TO TELECOMMUNICATIONS SERVICE; AMENDING SECTION 56-904, IDAHO CODE,
3 TO PROVIDE THAT CERTAIN SURCHARGES SHALL BE IMPOSED ONLY ON CUSTOMERS OF
4 MOBILE WIRELESS CARRIERS WITH A PLACE OF PRIMARY USE IN IDAHO AND TO
5 DEFINE "PLACE OF PRIMARY USE"; PROVIDING AN EFFECTIVE DATE AND PROVIDING
6 APPLICATION.

39 SECTION 2. This act shall be in full force and effect on and after July
40 1, 2002, and shall apply to bills issued after August 1, 2002.

EXAMPLE 15 – EFFECTIVE DATE WITH APPLICATION

SENATE BILL NO. 1371

BY RESOURCES AND ENVIRONMENT COMMITTEE

1 AN ACT
2 RELATING TO THE FISH AND GAME COMMISSION; AMENDING SECTION 36-104, IDAHO CODE,
3 TO STRIKE REFERENCE TO ACQUISITIONS BY CONDEMNATION AND TO PROVIDE A PRO-
4 CEDURE FOR THE ACQUISITION OF TRACTS OF LAND OR INTERESTS IN TRACTS OF
5 LAND IN COUNTIES WHERE FIFTY PERCENT OR MORE OF THE LAND LOCATED IN THE
6 COUNTY IS ALREADY HELD IN PUBLIC OWNERSHIP; TO PROVIDE AN EFFECTIVE DATE
7 AND TO PROVIDE FOR APPLICATION.

27 SECTION 2. This act shall be in full force and effect on and after July
28 1, 2002; and the provisions of this act shall apply to all contracts entered
29 into between the Fish and Game Commission and a seller of real property on and
30 after July 1, 2002.

SIMPLE RESOLUTIONS

EXAMPLE 16 – ADDITION OF A NEW RULE

IN THE HOUSE OF REPRESENTATIVES

HOUSE RESOLUTION NO. 2

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

1 A HOUSE RESOLUTION
2 STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND PROVIDING FOR
3 THE ADDITION OF A NEW RULE 78 TO THE RULES OF THE HOUSE OF REPRESENTATIVES.
4

5 Be It Resolved by the House of Representatives of the State of Idaho:

6 WHEREAS, the House of Representatives deems it necessary and desirable to add a new
7 Rule 78 to the Rules of the House of Representatives.

8 NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives,
9 assembled in the First Regular Session of the Sixtieth Idaho Legislature, that the Rules of
10 the House of Representatives shall be amended by the addition thereto of a new Rule 78 to read
11 as follows:

12 RULE 78

13 A proclamation is an instrument, the subject matter of which does not constitute a statute,
14 which after being introduced in the proper committee shall be sent immediately to the floor
15 for action without being referred back to committee. A proclamation may be passed by voice
16 vote and, if appropriate, does not need to be sent to the other house for passage. An example
17 of a proclamation shall include but not be limited to a vote of thanks, praise or honor for a
18 special achievement, accomplishment, anniversary or birthday. For purposes of the calendar of
19 the House of Representatives a proclamation shall be considered a petition.

EXAMPLE 17 – AMENDING A SENATE RULE

SENATE RESOLUTION NO. 101

BY JUDICIARY AND RULES COMMITTEE

1 A SENATE RESOLUTION
2 STATING FINDINGS OF THE SENATE AND AMENDING SENATE RULE 4.

3 Be It Resolved by the Senate of the State of Idaho:

4 WHEREAS, the Senate finds that it is in the interest of the Senate that
5 Rule 4 of the Rules of the Senate be amended.

6 NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in
7 the First Regular Session of the Fifty-seventh Idaho Legislature, that Senate
8 Rule 4 be, and the same is hereby amended to read as follows:

9 RULE 4

10 Order of Business.--(A) The Senate having been called to order at the
11 hour to which it shall adjourn and a quorum being present, the order of busi-
12 ness shall be as follows:

- 13 (1) Roll Call
- 14 (2) Prayer and Pledge of Allegiance
- 15 (3) Reading and Correction of Journal
- 16 (4) Reading of Communications
- 17 (5) Presentation of Petitions, Resolutions and Memorials
- 18 (6) Reports of Standing Committees
- 19 (7) Reports of Special Committees
- 20 (8) Consideration of Messages from the Governor
- 21 (9) Consideration of Messages from the House of Representatives
- 22 (10) Motions and Consideration of Petitions, Resolutions and Memorials
- 23 (11) Introduction, First Reading and Reference of Bills, House Petitions,
24 Resolutions and Memorials
- 25 (12) Second Reading of Bills
- 26 (13) Third Reading of Bills
- 27 (14) Consideration of General Calendar
- 28 (15) Miscellaneous Business

29 Special Orders.--(B) Any question brought before the Senate for consider-
30 ation may be made a Special Order by a two-thirds majority vote. Unless
31 otherwise ordered, Special Orders shall be taken up during the first call of
32 the Fourteenth Order of Business and matters on Special Order shall be dis-
33 posed of in rotation prior to call of the General Calendar. Whenever any mat-
34 ter is made a Special Order and the consideration thereof shall not be com-
35 pleted at that sitting, it shall be returned to and retain its place as a Spe-
36 cial Order for the next call of the Fourteenth Order of Business or such other
37 hour at the next session as may have been originally fixed.

CONCURRENT RESOLUTIONS

EXAMPLE 18 – SUPPORTING THE EFFORTS OF THE GOVERNOR

SENATE CONCURRENT RESOLUTION NO. 132

BY JUDICIARY AND RULES COMMITTEE

1 A CONCURRENT RESOLUTION
2 STATING FINDINGS OF THE LEGISLATURE REGARDING THE STATE OF IDAHO'S INTERESTS
3 IN THE CLEANUP PLAN FOR THE COEUR D'ALENE BASIN AND SUPPORTING EFFORTS OF
4 THE EXECUTIVE BRANCH TO SECURE AND IMPLEMENT A FINAL PLAN THAT BUILDS THE
5 LOCAL ECONOMY AND PROTECTS HUMAN HEALTH AND THE ENVIRONMENT.

6 Be It Resolved by the Legislature of the State of Idaho:

7 WHEREAS, the Legislature has reviewed the efforts of the Governor and the
8 Idaho Department of Environmental Quality to provide input to the Environmen-
9 tal Protection Agency's proposed plan to address heavy metal contamination in
10 the Coeur d'Alene Basin; and

11 WHEREAS, the Environmental Protection Agency is taking comments on the
12 proposed plan in advance of issuing a record of decision adopting a final
13 plan; and

14 WHEREAS, it is in the interest of the state of Idaho to have an affordable
15 and common sense plan that protects public health, restores environmental
16 quality and invigorates a depressed economy in the Silver Valley; and

17 WHEREAS, it is in the interest of the state of Idaho to have a plan that
18 brings certainty about the extent and duration of cleanup activity and is
19 focused on initiating and concluding cost-effective work that demonstrably
20 benefits human health and the environment; and

21 WHEREAS, the First Regular Session of the Fifty-sixth Idaho Legislature
22 passed into law House Bill No. 256, As Amended, also know as the Basin Envi-
23 ronmental Improvement Act, which provided for creation of the Coeur d'Alene
24 Basin Environmental Improvement Commission to implement environmental
25 remediation, natural resource restoration and related measures to address
26 heavy metal contamination in the Coeur d'Alene Basin.

27 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
28 sion of the Fifty-sixth Idaho Legislature, the Senate and the House of Repre-
29 sentatives concurring therein, that we support the efforts and comments by the
30 Governor and the Idaho Department of Environmental Quality to ensure that the
31 Environmental Protection Agency's record of decision will provide certainty to
32 the citizenry of the Coeur d'Alene Basin, will clearly identify both the areas
33 and actual remediation work that is necessary and will be implemented through
34 the Coeur d'Alene Basin Environmental Improvement Commission in a manner that
35 builds the local economy and protects human health and the environment.

EXAMPLE 19 – RECOGNIZING “GO RED FOR WOMEN DAY”

SENATE CONCURRENT RESOLUTION NO. 118

BY STATE AFFAIRS COMMITTEE

1 A CONCURRENT RESOLUTION
2 STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING FEBRUARY SIXTH AS "GO RED
3 FOR WOMEN DAY."

4 Be It Resolved by the Legislature of the State of Idaho:

5 WHEREAS, cardiovascular diseases are the nation's leading cause of death,
6 and stroke is the third leading cause of death;
7 WHEREAS, cardiovascular diseases claim the lives of more than half a mil-
8 lion American women each year;
9 WHEREAS, each year 53.5% of women die from cardiovascular diseases as com-
10 pared to 46.5% of men, and 40,000 more women than men have a stroke;
11 WHEREAS, the cost of cardiovascular diseases and stroke in the United
12 States is estimated at \$352 billion;
13 WHEREAS, coronary heart disease rates in women after menopause are two to
14 three times higher than those of women the same age before menopause;
15 WHEREAS, 63% of women who die suddenly of coronary heart disease have no
16 previous symptoms of this disease;

17 WHEREAS, February is designated as American Heart Month;
18 WHEREAS, the American Heart Association is launching a new campaign,
19 designed to raise women's awareness of the magnitude of cardiovascular dis-
20 eases and to encourage women to make positive changes in their lives that
21 could help reduce their risk of cardiovascular diseases and stroke;
22 WHEREAS, this new campaign is known as the "Go Red for Women" campaign.
23 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
24 sion of the Fifty-seventh Idaho Legislature, the Senate and the House of Rep-
25 resentatives concurring therein, that we join in designation of February 6 in
26 recognition of the "Go Red for Women" campaign and urge all citizens to recog-
27 nize the critical importance of knowing the risk factors and the warning signs
28 of heart attack and stroke by wearing the color red to commemorate this day.
29 By increasing awareness of both heart attack and stroke, we can save thousands
30 of lives each year.

EXAMPLE 20 – URGING AMENDMENT TO THE 10TH AMENDMENT OF THE U.S.
CONSTITUTION

HOUSE CONCURRENT RESOLUTION NO. 64

BY STATE AFFAIRS COMMITTEE

1 A CONCURRENT RESOLUTION
2 STATING FINDINGS AND URGING CONGRESS TO INITIATE THE ARTICLE V AMENDMENT
3 PROCESS TO AMEND THE TENTH AMENDMENT AND INTERSTATE COMMERCE CLAUSE OF
4 THE UNITED STATES CONSTITUTION.

5 Be It Resolved by the Legislature of the State of Idaho:

6 WHEREAS, the Tenth Amendment to the Constitution of the United States
7 reads as follows: "The powers not delegated to the United States by the Con-
8 stitution, nor prohibited by it to the States, are reserved to the States re-
9 spectively, or to the people."; and

10 WHEREAS, the Tenth Amendment to the Constitution defines the total
11 scope of federal power as being that specifically granted by the Constitu-
12 tion of the United States and no more; and

13 WHEREAS, the scope of the power defined by the Tenth Amendment means
14 that the federal government was created by the states specifically to be an
15 agent of the states; and

16 WHEREAS, today, in 2010, the states are demonstrably treated as agents
17 of the federal government; and

18 WHEREAS, many powers assumed by the federal government and federal man-
19 dates are directly in violation of the Tenth Amendment to the Constitution of
20 the United States; and

21 WHEREAS, the Interstate Commerce Clause to the Constitution of the
22 United States provides that Congress shall have the power: "To regulate
23 Commerce with foreign Nations, and among the several States, and with the
24 Indian Tribes"; and

25 WHEREAS, the Interstate Commerce Clause is limited to the federal
26 government regulating trade between the states, and between the states and
27 other nations, and to help prevent conflicts between states over commercial
28 activities, and to prevent the erection of barriers to commerce between the
29 states; and

30 WHEREAS, the Interstate Commerce Clause should not be used to provide
31 Congress with authority to regulate matters that are primarily intrastate
32 with only an insignificant or collateral effect upon interstate commerce;
33 and

34 WHEREAS, many federal laws are beyond the original scope and intent of
35 the Interstate Commerce Clause and the Tenth Amendment to the Constitution
36 of the United States; and

37 WHEREAS, the Tenth Amendment assures that we, the people of the United
38 States of America and each sovereign state in the union of states, now have,
39 and have always had, rights the federal government may not usurp; and

40 WHEREAS, Section 4, Article IV, of the Constitution says, "The United
41 States shall guarantee to every State in this Union a Republican Form of Gov-
42 ernment" and the Ninth Amendment states that "The enumeration in the Consti-

1 tution, of certain rights, shall not be construed to deny or disparage others
2 retained by the people."; and
3 WHEREAS, the United States Supreme Court has ruled in *New York v. United*
4 *States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the
5 legislative and regulatory processes of the states.
6 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
7 sion of the Sixtieth Legislature Idaho Legislature, the House of Representa-
8 tives and the Senate concurring therein, that:
9 The Idaho Legislature urges Congress to take action forthwith to ini-
10 tiate the Article V amendment process to amend the Tenth Amendment and Inter-
11 state Commerce Clause (Section 8, Article I) of the United States Constitu-
12 tion; and
13 The Idaho Legislature urges Congress to amend the Tenth Amendment of
14 the United States Constitution as follows:
15 (Changes in bold): "The powers not expressly delegated to the United
16 States by the Constitution, nor prohibited by it to the States, are re-
17 served to the States respectively, or to the people. Any power claimed
18 by the Congress shall be construed narrowly by all courts so as not to
19 infringe upon or limit the powers reserved to the States and the people
20 by this amendment."; and
21 That the Idaho Legislature urges Congress to amend the Interstate Com-
22 merce Clause (Article I, Section 8) as follows:
23 (Changes in bold): "To directly regulate Commerce with the foreign
24 nations, and among the several States, and with the Indian Tribes,
25 with no authority in Congress to regulate matters that are primarily
26 intrastate with only an insignificant or collateral effect upon inter-
27 state commerce".
28 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
29 tives be, and she is hereby authorized and directed to forward a copy of this
30 Resolution to the Speaker of the House of Representatives and the President
31 of the Senate of the Congress of the United States, the presiding officers of
32 both Houses of the Legislature of each of our sister states in the Union, and
33 the members of the congressional delegation representing the State of Idaho
34 in the Congress of the United States.

EXAMPLE 21 – RULE REJECTED

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 120

BY HEALTH AND WELFARE COMMITTEE

1 A CONCURRENT RESOLUTION
2 STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPART-
3 MENT OF HEALTH AND WELFARE RELATING TO CONSTRUCTION AND OPERATION OF PUB-
4 LIC SWIMMING POOLS.

5 Be It Resolved by the Legislature of the State of Idaho:

6 WHEREAS, the Legislature is vested with authority to reject executive
7 agency rules under the provisions of Section 67-5291, Idaho Code, in the event
8 that the Legislature finds that the rules are not consistent with legislative
9 intent; and

10 WHEREAS, it is the finding of the Legislature that certain rules of the
11 Department of Health and Welfare relating to construction and operation of
12 public swimming pools are not consistent with legislative intent and should be
13 rejected.

14 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
15 sion of the Fifty-sixth Idaho Legislature, the Senate and the House of Repre-
16 sentatives concurring therein, that IDAPA 16.02.14, Sections 004, 006, 007,
17 and 010, the entire docket, rules of the Department of Health and Welfare
18 relating to construction and operation of public swimming pools, adopted as
19 pending rules under Docket number 16-0214-0101, be, and the same are hereby
20 rejected and declared null, void and of no force and effect.

JOINT RESOLUTION

EXAMPLE 22 – PROPOSING AMENDMENT TO THE IDAHO STATE CONSTITUTION

SENATE JOINT RESOLUTION NO. 103, As Amended

BY EDUCATION COMMITTEE

1 A JOINT RESOLUTION
2 PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE VIII, OF THE CONSTITUTION OF THE
3 STATE OF IDAHO, RELATING TO LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTED-
4 NESS, TO ALLOW SCHOOL DISTRICTS TO INCUR INDEBTEDNESS WITH THE ASSENT OF
5 TWO-THIRDS OF THE QUALIFIED ELECTORS OR, ALTERNATIVELY, WITH THE ASSENT OF
6 NO LESS THAN SIXTY PERCENT, RATHER THAN TWO-THIRDS, OF THE QUALIFIED ELEC-
7 TORS OF THE SCHOOL DISTRICT VOTING AT AN ELECTION HELD FOR THAT PURPOSE
8 AND HELD ON A DATE IN NOVEMBER AS PROVIDED BY LAW; STATING THE QUESTION TO
9 BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PRE-
10 PARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE
11 TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

12 Be It Resolved by the Legislature of the State of Idaho:

13 SECTION 1. That Section 3, Article VIII, of the Constitution of the State
14 of Idaho be amended to read as follows:

15 SECTION 3. LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTEDNESS.

16 (1) No county, city, ~~board of education~~, or school district, or other
17 subdivision of the state, shall incur any indebtedness, or liability,
18 in any manner, or for any purpose, exceeding in that year, the income
19 and revenue provided for it for such year, without the assent of
20 two-thirds ~~(2/3)~~ of the qualified electors thereof voting at an elec-
21 tion to be held for that purpose, nor unless, before or at the time
22 of incurring such indebtedness, provisions shall be made for the col-
23 lection of an annual tax sufficient to pay the interest on such
24 indebtedness as it falls due, and also to constitute a sinking fund
25 for the payment of the principal thereof, within thirty ~~(30)~~ years
26 from the time of contracting the same. Any indebtedness or liability

27 incurred contrary to this provision shall be void. ~~Provided, that~~
28 ~~This section shall not be construed to apply to the ordinary and~~
29 ~~necessary expenses authorized by the general laws of the state and~~
30 ~~provided further that a~~

31 (2) Any city may own, purchase, construct, extend, or equip,
32 within and without the corporate limits of such city, off street
33 parking facilities, public recreation facilities, and air navigation
34 facilities, and, for the purpose of paying the cost thereof may,
35 without regard to any limitation herein imposed, with the assent of
36 two-thirds ~~(2/3)~~ of the qualified electors voting at an election to
37 be held for that purpose, issue revenue bonds therefor, the principal
38 and interest of which to be paid solely from revenue derived from
39 rates and charges for the use of, and the service rendered by, such
40 facilities as may be prescribed by law, ~~and provided further, that a~~

41 (3) Any city or other political subdivision of the state may
42 own, purchase, construct, extend, or equip, within and without the
43 corporate limits of such city or political subdivision, water sys-

2

1 tems, sewage collection systems, water treatment plants, sewage
2 treatment plants, and may rehabilitate existing electrical generating
3 facilities, and for the purpose of paying the cost thereof, may,
4 without regard to any limitation herein imposed, with the assent of a
5 majority of the qualified electors voting at an election to be held
6 for that purpose, issue revenue bonds therefor, the principal and
7 interest of which to be paid solely from revenue derived from rates
8 and charges for the use of, and the service rendered by such systems,
9 plants and facilities, as may be prescribed by law, ~~and provided~~
10 ~~further that a~~

11 (4) Any port district, for the purpose of carrying into effect
12 all or any of the powers now or hereafter granted to port districts
13 by the laws of this state, may contract indebtedness and issue revenue
14 bonds evidencing such indebtedness, without the necessity of the
15 voters of the port district authorizing the same, such revenue bonds
16 to be payable solely from all or such part of the revenues of the
17 port district derived from any source whatsoever excepting only those
18 revenues derived from ad valorem taxes, as the port commission
19 thereof may determine, and such revenue bonds not to be in any manner
20 or to any extent a general obligation of the port district issuing
21 the same, nor a charge upon the ad valorem tax revenue of such port
22 district.

23 (5) A school district may incur indebtedness or liability
24 exceeding in that year the income and revenue provided for the district
25 in that year if:

26 (a) The district obtains the assent of no less than sixty per-
27 cent, rather than two-thirds, of the qualified electors of the
28 district voting at an election to be held for that purpose and
29 held on a date in November provided by law; and

30 (b) Before or at the time of incurring such indebtedness, pro-
31 visions are made for the collection of an annual tax sufficient
32 to pay the interest on the indebtedness as it falls due, and
33 also to constitute a sinking fund for the payment of the principal
34 of the indebtedness, within thirty years from the time of
35 contracting the indebtedness.

36 Any indebtedness or liability incurred contrary to this subsection
37 shall be void. This subsection shall not apply to the ordinary and
38 necessary expenses authorized by the general laws of the state.

39 SECTION 2. The question to be submitted to the electors of the State of
40 Idaho at the next general election shall be as follows:

41 "Shall Section 3, Article VIII, of the Constitution of the State of Idaho
42 be amended to provide that a school district may incur indebtedness with the
43 assent of two-thirds of the qualified electors or the assent of no less than
44 sixty percent, rather than two-thirds, of the qualified electors of the school
45 district voting at an election held for that purpose if the election is held
46 on a date in November as provided by law?"

47 SECTION 3. The Legislative Council is directed to prepare the statements
48 required by Section 67-453, Idaho Code, and file the same.

49 SECTION 4. The Secretary of State is hereby directed to publish this proposed
50 constitutional amendment and arguments as required by law.

- Note examples of strike and underscore editing on page 1, starting on line 27 and on page 2, lines 9 and 10

MEMORIALS

EXAMPLE 23 – REQUESTING CONGRESSIONAL SUPPORT

HOUSE JOINT MEMORIAL NO. 13

BY TRANSPORTATION AND DEFENSE COMMITTEE

1 A JOINT MEMORIAL
2 TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
3 ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
4 IDAHO IN THE CONGRESS OF THE UNITED STATES.

5 We, your Memorialists, the House of Representatives and the Senate of the
6 State of Idaho assembled in the Second Regular Session of the Fifty-sixth
7 Idaho Legislature, do hereby respectfully represent that:

8 WHEREAS, the 1972 Antiballistic Missile (ABM) Treaty was signed with a
9 nation that no longer exists; and

10 WHEREAS, an increasing number of nations, including China, North Korea,
11 Iran and Iraq, either currently possess the capability to launch missile
12 attacks against the United States or its allies, or are working to obtain that
13 capability; and

14 WHEREAS, due in part to advances in technology, the possibility that a
15 missile bearing a weapon of mass destruction will be used against United
16 States forces or interests is higher today than it was during most of the Cold
17 War; and

18 WHEREAS, terrorist groups, not just states, have the means to buy ballis-
19 tic missiles; and

20 WHEREAS, while systems are in place to thwart terrorism, the nation still
21 has no defense against missile attack; and

22 WHEREAS, the Cold War policy of "mutual assured destruction" embodied in
23 arms control treaties is not sufficient to deter terrorist missile attacks;
24 and

25 WHEREAS, defending against a missile attack is the government's moral
26 obligation.

27 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
28 sion of the Fifty-sixth Idaho Legislature, the House of Representatives and
29 the Senate concurring therein, that we request our elected representatives in
30 the Congress of the United States to support and vote for the implementation
31 of a national missile defense system.

32 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
33 tives be, and she is hereby authorized and directed to forward a copy of this
34 Memorial to the President of the Senate and the Speaker of the House of Repre-
35 sentatives of Congress, and the congressional delegation representing the
36 State of Idaho in the Congress of the United States.

EXAMPLE 24 – SUPPORTING THE PRESIDENT’S ECONOMIC SECURITY PACKAGE

HOUSE JOINT MEMORIAL NO. 12

BY REVENUE AND TAXATION COMMITTEE

1 A JOINT MEMORIAL
2 TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
3 ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
4 IDAHO IN THE CONGRESS OF THE UNITED STATES.

5 We, your Memorialists, the House of Representatives and the Senate of the
6 State of Idaho assembled in the Second Regular Session of the Fifty-sixth
7 Idaho Legislature, do hereby respectfully represent that:

8 WHEREAS, President George W. Bush has proposed a bipartisan economic secu-
9 rity package to protect jobs; and
10 WHEREAS, President Bush's plan promotes new job creation; and
11 WHEREAS, President Bush's plan provides \$3 billion in special National
12 Emergency Grants to help displaced workers maintain health coverage, supple-
13 ment their income and receive job training; and
14 WHEREAS, President Bush's plan makes \$11 billion available to states to
15 help low income workers obtain health insurance; and
16 WHEREAS, President Bush's plan encourages affected workers to take advan-
17 tage of more than \$6 billion in existing federal job search, training and
18 placement programs; and
19 WHEREAS, President Bush's plan encourages businesses to invest in new
20 equipment and resources, allowing them to make purchases they might not other-
21 wise have been able to afford; and
22 WHEREAS, President Bush's plan gives consumers more to spend and invest,
23 and gives businesses and entrepreneurs more resources to help them retain or
24 create more jobs; and

25 WHEREAS, President Bush's plan reduces taxes for low and moderate income
26 households beyond relief already approved by Congress, ensuring that the most
27 vulnerable workers will have more money in their pockets; and
28 WHEREAS, the economic security package has passed the United States House
29 of Representatives twice and has bipartisan majority support in the United
30 States Senate.

31 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
32 sion of the Fifty-sixth Idaho Legislature, the House of Representatives and
33 the Senate concurring therein, that we urge the members of Congress represent-
34 ing the state of Idaho to support President George W. Bush's economic security
35 package and specifically to urge Senate Majority Leader Senator Tom Daschle to
36 allow the economic security package to receive a vote.

37 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
38 tives be, and she is hereby authorized and directed to forward a copy of this
39 Memorial to the President of the Senate and the Speaker of the House of Repre-
40 sentatives of Congress, and the congressional delegation representing the
41 State of Idaho in the Congress of the United States.

PROCLAMATIONS

EXAMPLE 25 – COMMENDING THE PEOPLE OF ADA COUNTY AND THE CITY OF GARDEN CITY

IN THE HOUSE OF REPRESENTATIVES

HOUSE PROCLAMATION NO. 3

BY STATE AFFAIRS COMMITTEE

1 A PROCLAMATION
2 COMMENDING THE PEOPLE OF ADA COUNTY AND THE CITY OF GARDEN CITY IN BRINGING
3 THE COMMUNITY TOGETHER THROUGH THE CHINESE HERITAGE DAY AND DRAGON PA-
4 RADE, ENDORSING THE ANNUAL CELEBRATION OF THE CHINESE HERITAGE IN GAR-
5 DEN CITY AND ENCOURAGING SPONSORSHIP OF SIMILAR EVENTS IN OTHER COMMU-
6 NITIES OF OUR GREAT STATE OF IDAHO.

7 We, the members of the House of Representatives and the Senate of the
8 State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho
9 Legislature, do hereby proclaim:

10 WHEREAS, the City of Garden City is named for the many Chinese gardens
11 that were once cultivated along the Boise River and Chinden Boulevard. The
12 vibrant Asian community that thrived in Garden City brought with them color-
13 ful traditions that are still celebrated today; and

14 WHEREAS, the Chinese Heritage Day and Dragon Parade inspires citizens
15 to develop and promote meaningful connections with other cultures, to gather
16 in the spirit of mutual respect and acceptance, transcending our differences
17 and rising to the unifying inclusiveness of our community; and

18 WHEREAS, Garden City Mayor John Evans and Garden City Council members
19 Pam Beaumont, Elfreda Higgins, Mike Moser and Jeff Souza believe that the
20 Chinese Heritage Day and Dragon Parade brings together a cross-section of
21 citizens and allows them to stand together in friendship and to celebrate our
22 spirit of community; and

23 WHEREAS, the Chinese Heritage Day and Dragon Parade has the support of
24 numerous sponsors, including the City of Garden City, Woman of Steel-Irene
25 Deely, the Boise Chinese Association, Korean Dance Mission, Shaolin Gong
26 Fu Stick School, Garden City Community School, the Waterfront District
27 and the Alley Arts and Cultural District, as well as various other groups,
28 businesses and civic organizations.

29 NOW, THEREFORE, BE IT PROCLAIMED by the members of the House of Repre-
30 sentatives and the Senate assembled in the Second Regular Session of the Six-
31 tieth Idaho Legislature, that we support the people of Ada County and the
32 City of Garden City in bringing the community together through the Chinese
33 Heritage Day and Dragon Parade and encourage sponsorship of similar events
34 in other communities of our great state of Idaho.

STATEMENTS OF PURPOSE AND FISCAL NOTES

EXAMPLE 26 – MINIMAL STATEMENT OF PURPOSE WITH NO FISCAL IMPACT

STATEMENT OF PURPOSE

RS19169

The Idaho Board of Architectural Examiners is clarifying the licensure exemptions to allow for architectural services associated with a residence not exceeding 3 stories in height.

FISCAL NOTE

There is no impact on the general fund or the Bureaus dedicated fund.

Contact:

Name: Tana Cory

Office: Bureau of Occupational Licenses

Phone: (208) 334-3233

Statement of Purpose / Fiscal Note

H 460

EXAMPLE 27 – STATEMENT OF PURPOSE WITH FISCAL IMPACT

STATEMENT OF PURPOSE

RS19163C1

This bill relates to motor fuels taxes.

1. Section 1 amends the definition of the term "motor fuel" to include ethanol, ethanol blended fuel, gasoline blend stocks, and natural gasoline.
2. Section 2 corrects a cross-reference relating to the distribution of revenues from tax on gasoline.
3. Section 3 corrects a cross-reference relating to the distribution of revenues from tax on special fuel.
4. Effective dates:

Section 1 is effective July 1, 2010, at which time inventories of untaxed ethanol will be deemed "received" and reportable for tax purposes.

Sections 2 and 3 are technical corrections to House Bills 338 and 376 enacted in the 2009 legislative session. This bill makes the corrections in Sections 2 and 3 retroactive to July 1, 2009, to correspond with the effective dates of the 2009 legislation.

FISCAL NOTE

There is a one-time revenue acceleration in FY 2011 estimated at less than \$50,000 due to changing in the taxable incident from the time ethanol is blended to make gasohol to the time the ethanol is imported into the state. This may be reduced if distributors reduce inventories in anticipation of this change.

Contact:

Name: Dan John Ted Spangler

Office: State Tax Commission

Phone: (208) 334-7544

Statement of Purpose / Fiscal Note

H 384

EXAMPLE 28 – STATEMENT OF PURPOSE WITH FISCAL IMPACT

STATEMENT OF PURPOSE

RS19148

Amend Idaho Code to increase the maximum rate that may be charged for processing transaction fees under the Lake Protection Act to provide for recovery of the costs to administer encroachment permitting and public trust land leasing.

Chapters 12 and 13, Title 58, Idaho Code, establish state ownership of the beds of navigable waters and require the State Board of Land Commissioners to regulate, control, and permit encroachments on, in or above the beds or waters of lakes owned and controlled by the state of Idaho. The Idaho Department of Lands (IDL) is responsible for the administration of the Lake Protection Act which generally consists of reviewing encroachment applications and approving permits. Each transaction involves document review and processing, and at least one site inspection. The average cost is \$300 for single and two family dock permits, and \$550 for shoreline protection permits. Currently, the maximum fee allowed by code is capped at \$250. The proposed legislation would raise the cap for single and two family dock permits to \$500 and shoreline protection permits to \$1,000 with actual fees set by the State Board of Land Commissioners. The assessment of these user fees will address the issue of declining General Fund subsidization and allow IDL to maintain the level of service needed to continue the effectiveness of this program.

FISCAL NOTE

The department processes an average of 339 single and two family dock permits per year which would generate approximately \$16,950 annually at the proposed fee rate of \$300. In addition, an average of 57 shoreline protection permits are processed each year which would generate \$17,100 annually if the application fee established covered the current actual cost of \$550. Total increase in General Fund revenue would be \$34,050.

Contact:

Name: George Bacon

Office: Department of Lands

Phone: (208) 334-0280

Statement of Purpose / Fiscal Note

H 407